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North
A C T S

PASSED AT THE

FIRST SESSION

OF THE

FOURTH GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE,

**BEGUN AND HELD AT KNOXVILLE, ON MONDAY THE
TWENTY-FIRST DAY OF SEPTEMBER, ONE
THOUSAND EIGHT HUNDRED
AND ONE.**



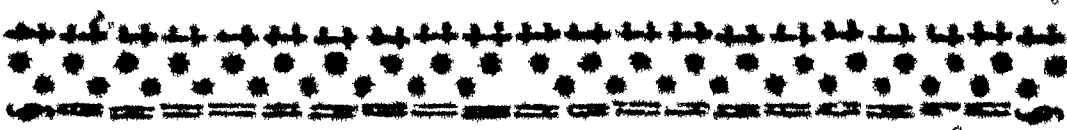
KNOXVILLE:

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1801.

May 17, 1916.



A C T S

OF THE

GENERAL ASSEMBLY

OF THE

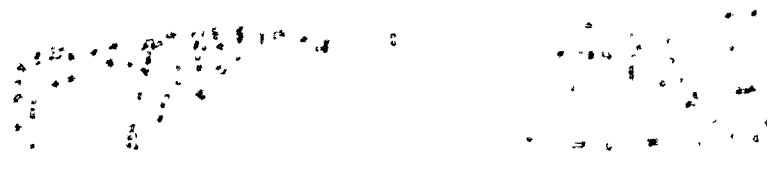
STATE OF TENNESSEE.



CHAPTER I.

An ACT to amend an act, entitled, "An act for the better establishment and regulation of the militia in this state."

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That each Regiment of militia in this State *divided in* shall be divided into two battalions by the regimental court martial at their next sitting after the passing of this act, having due respect to the convenience of the different companies, without regard to bounds or number; and the officers of each battalion shall have the privilege of choosing their muster ground, except where the regiment has been previously divided by law, and in that case the division shall continue as heretofore, or be discontinued at the discre-



*Battalion
musters &
courts mar-
tial.*

*Duty of
Adjutant
and Judge
Advocate.*

tion of the court martial. The first battalion in each regiment shall hold a battalion muster on the first Thursday in April, the second battalion on the third Thursday in April annually; and a court martial shall be held in each battalion on the day succeeding the battalion muster; such musters and courts martial to be conducted under the same rules, regulations and restrictions as regimental musters and courts martial, reserving to any person who may think himself aggrieved by any sentence of such court martial the right of appeal to the next court martial of the regiment. And it shall be the duty of the adjutants to attend the battalion musters in their respective regiments, and of the judge advocates to attend the battalion courts martial, and they shall perform the same duties which they are required to perform at regimental musters and courts martial, and be allowed the same compensation. And the major appointed to the command of each battalion shall attend the battalion musters, and may preside in the courts martial, or may direct the senior officer present to preside; and if he should be absent the officer next in rank shall perform the duties of the major at such muster or court martial.

*Regiment
al musters
when to be
held.*

Sec 2. *Be it enacted,* That each regiment of infantry shall hold only one regimental muster in each year, at their respective court houses, on the Thursday immediately preceding the first day of holding the courts in the several counties in either of the months of September, October and November annually, except the second regiment of Davidson county, who shall hold their regimental muster at the place heretofore provided for by law, on the Thursday succeeding the court of said county, in the month of October in each and every year. And the brigadier general shall attend the several regimental musters in his brigade, at least once in two years, or oftener, if he shall think necessary, and in such rotation as he shall think proper, not inconsistent with this act, for the purpose of reviewing such regiment and making such regulations as may appear to him

necessary, not otherwise inconsistent with law:— *Provided*, That nothing herein contained shall extend to compel the inhabitants to whom has been granted separate general musters in the counties of Carter, Jefferson and Montgomery to attend the aforesaid regimental musters: But the colonel commandant of the Jefferson regiment shall cause all the militia of his county to attend each general review at the court house of said county.

Sec. 3. *Be it enacted*, That every captain or commanding officer of a company, shall hold a company muster three times in each year at such place as he shall judge most convenient, on the following days, viz. the first Saturdays in March, August, and November, unless such day should happen on the same week with the regimental muster, and in such case the company muster shall be held on the Saturday preceding. And on such muster days the officers of the company or any two of them, shall have power to hold courts martial if found necessary, and the senior officer present shall have the power to administer all necessary oaths, to receive the fines by such court imposed, and pay the same into the hands of the judge advocate of the regiment. A record of the proceedings shall be kept, stating the name of each person on whom a fine has been imposed and the sum, which shall be returned to the judge advocate and be entered by him on his journal, and execution may issue thereon as in other cases. But no execution shall issue in any case for fines or forfeitures, until the expiration of three months after sentence of the court martial. And if any person on whom a fine shall be assessed, shall pay the same to the judge advocate, or the commanding officer of the company to which he belongs, within the time limited for stay of execution, he shall not be liable to pay any costs. And fines arising by delinquencies in any company muster, shall be appropriated to the use of such company only, in manner as the court martial thereof may direct, and to be drawn from the hands of the judge advocate on the order of the commanding officer of the company.

*Company
muster,
when held*

*Company
courts
martial.*

*Appropri-
ation of
fines.*

*Fines to be
paid to the
Judge Ad-
vocate;*

*who is to
give bond.*

Sec. 4. Be it enacted, That all fines and forfeitures heretofore collected by virtue of the before recited act which have not been appropriated, and all fines and forfeitures which may hereafter be collected, shall be paid into the hands of the judge advocate of the regiment, who shall enter into bond in the same manner as by the said act the colonel was required to do, which bond shall be lodged in the hands of the colonel for the use of the regiment, and he shall have the same allowance for receiving and paying out the monies collected, and shall make out a fair statement of the amount received, and in what manner it has been disbursed, and lay the same annually before the regimental court martial

*Several
returns to
be made.*

Sec. 5. Be it enacted, That the commanding officer of each company shall make out an accurate statement of the strength and condition of his company, and make return thereof to the commanding officer of the regiment to which he belongs, on or before the day on which each battalion muster shall be held annually, who shall file the same with the adjutant of the regiment. And the adjutant of each regiment shall, under the direction of the commanding officer, make out an accurate statement of the strength and condition thereof, and return the same to the brigade major of the brigade to which he belongs, on or before the first day of June annually. And the brigade major, under the direction of the brigadier general, shall in like manner make a return of the brigade to which he belongs to the adjutant general on or before the first day of August annually. And it shall be the duty of the adjutant general to furnish all such blank forms of the different returns and explanation of the principles on which they should be made, as shall be approved of by the major general, and also to receive the returns of the militia throughout the state, from all which he shall make the proper abstracts, and lay the same before the commander in chief of the state, on or before the third Monday of September annually, and the commander in chief, when required, shall lay the same before the general assembly.

*Adj. Gen.
to furnish
forms.*

Sec. 6. *Be it enacted*, That the commissioned officers of the several regiments of infantry, shall meet once in every year, armed and accoutred as by law required, at the place appointed by law for holding regimental musters, for the purpose of being trained and instructed in their duty by the adjutant of the regiment, which meeting shall be on the Tuesday immediately preceding the regimental musters, and shall continue two days. The senior officer present shall call the roll each day, and report all delinquencies to the next regimental court martial; and every officer failing to attend, or not appearing armed as aforesaid without a reasonable excuse, to be adjudged of by the court martial, shall be fined in a sum not exceeding ten dollars.

Commissioned officers to be trained.

Sec. 7. *Be it enacted*, That in all cases of charges exhibited against officers, the officer ordering a court martial, shall, as soon as practicable, furnish the person charged with a copy of the charges exhibited against him, and the president of the court martial shall give him at least fifteen days notice of the time and place appointed for trial, and cause such witnesses to be summoned by the adjutant of the regiment in which they reside, as may be required by either party. And every person so summoned and failing to attend, or refusing to be sworn, shall be liable to be tried by a court martial, and if he be an officer he may be cashiered or fined at the discretion of the court martial, not exceeding ten dollars; if a non-commissioned officer or private, he may be fined not exceeding five dollars.

Duty of an officer ordering a court martial.

Sec. 8. *Be it enacted*, That in all elections for field officers, thirty days notice, and in all elections for company officers, fifteen days notice of such election, shall be sufficient.

Notice in elections.

Sec. 9. *Be it enacted*, That the volunteer company of Knox county, commanded by Captain John Crozier, shall be annexed to the regiment of cavalry of the district of Hamilton, and shall be a part of said regiment; and the volunteer companies of cavalry of Hawkins and Washington counties, com-

Volunteer companies provided for.

manded by captains Alexander Nelson and Allen Gillespie, shall be annexed to, and be a part of the regiment of cavalry of the district of Washington.

*Officers to
appear in
uniform.*

Sec. 10. *Be it enacted*, That the commissioned officers of each regiment, shall appear in uniform when on parade, and the courts martial of each regiment shall determine the uniform of their respective regiments; and any officer not appearing in the uniform of his regiment, within six months after the court martial shall agree on the uniform of said regiment, if a field officer, shall forfeit and pay a sum not exceeding ten dollars, if a captain or subaltern, not exceeding five dollars.

*This act
when in
force.*

Sec. 11. *Be it enacted*, That this act shall be in force from and after the passing thereof: *Provided*, That nothing in this act contained, shall be construed so as to change the times of holding regimental or company musters during this present year.

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

PASSED—November 14th, 1801.

CHAP. II.

An ACT to confirm and make good all lawful entries made, and warrants and grants issued by the state of North Carolina, for lands lying within the limits of this state and to authorize the Secretary and Governor of the same, to perfect titles on all the lawful entries and warrants that are not yet perfected.

SECTION 1 **BE** it enacted by the General Assembly of the state of Tennessee, That all lawful entries made, and warrants and grants heretofore issued by the state of North Carolina for lands lying within this state, as reserved by act of cession, and including all grants bottomed upon any warrant issued from any of the offices of Carter, Adair, or Harden, shall be as good and valid in law, as if they had been made and issued by and under the authority of this state, reserving to the holders of such grants as aforesaid the right of deciding the validity thereof in any of the courts of law or equity in this state, pursuant to such laws as have been in force and use in similar cases. *Certain warrants, grants, &c. declared valid.*

Sec. 2. *Be it enacted,* That all the before recited warrants that have not been ripened into grants, shall or may be located and surveyed on any unappropriated lands within this state, and returned into the secretary's office of the same, there to be perfected into a grant or grants, as the law may hereafter direct. *Warrants may be ripened into grants.*

Sec. 3 *Be it enacted,* That it shall and may be lawful for all and every person or persons, their agents or attornies, where it has arisen, or may hereafter arise, that any person has or may hereafter obtain a grant or grants for any spot or piece of land within this state, whereon there is an older and better title, then and in that case, the said owner, his agent or attorney, shall be at full liberty to deposit such grant or grants in the secretary's office of this state, *Duty of persons obtaining grants.*

*Duty of
Secretary.*

with the reasons why such grant is returned, and the reasons shall be accompanied with a certificate from a lawful surveyor, setting forth the quantity so taken, with the name of the grantee, number and date of the same that takes such lands, on which return, it shall be the duty of the secretary to file such grant in his office, and record the same in a book he shall keep for that purpose, and issue a warrant or warrants at the option of the owner, for the same number of acres as contained in said grant so returned, and shall enter the same in a margin adjoining the copy of said grant, and therein mention a reference from what grant the said warrant or warrants have issued, directed to any lawful surveyor within this state, whose duty it shall be to survey the same on any unappropriated lands, under the same rules, regulations and restrictions as by law directed, whereupon it shall be the duty of the secretary and governor to perfect such grant or grants in such manner and form, as is or may be directed by the laws of this state.

*Surveyors
to be ap-
pointed.*

Sec. 4. *Be it enacted*, That there shall be one surveyor in each county within this state, appointed by joint ballot of both houses of this general assembly, to survey the lands within their respective counties, which surveyors so appointed, shall give bond and security according to law.

*Pre emp-
tion right
allowed.*

Sec. 5. *Be it enacted*, That nothing in this act contained shall be so construed as to authorise any person or persons, their agents or attornies, to enter any vacant and unappropriated lands whereon any person has settled down and improved the same, and at the time of passing this law, is in the actual possession thereof: *Provided*, said possession has not been obtained by force or fraud, but the occupant as aforesaid, their heirs or assigns, shall be entitled to the right of pre-emption to six hundred and forty acres, to include their improvement: *Provided* the same shall not interfere with lands claimed by any other person or persons, but in case it does, the occupant or occupants, may survey any number of acres within the aforesaid quantity, the bounds of which shall be

ascertained by actual survey as in other cases, and provided, they make entries for the same within six months after an office is opened within this state for the receiving of entries of land.

Sec. 6. *Be it enacted*, That nothing in this act contained, shall be so construed as to extend to make good any entry or entries, warrant or warrants, grant or grants, for any land lying south of French Broad and Holston, and between the rivers Big Pigeon and Tennessee, except to such occupant or occupants as have obtained or may obtain a grant or grants for his, her or their own right of occupancy. And such occupant or occupants shall be at full liberty to survey by virtue of any unapplied and unsatisfied lawful and *bona fide* warrant or warrants obtained in pursuance of the land laws in force and use at the time of the passing of the cession act of the state of North Carolina, or by virtue of said cession act, or by virtue of any warrant obtained by virtue of this act, his, her or their right or rights of improvement or occupancy, and obtain a title or titles thereon, at any time hereafter, or until otherwise provided for by law, which improvement, and the manner of laying off the land held by such improvement, or right of occupancy, shall be the same as were recognized by the laws of North Carolina, at the time of the passing of said cession act, and the constitution of this state; and such improvement right, or rights of occupancy as aforesaid, may consist of six hundred and forty acres, and no more.

*Provision
for lands
south of
Holston,
F Broad,
&c.*

Sec. 7. *Be it enacted*, That from and after the passing of this act, if any person or persons under the authority from the state of North Carolina, or under any commission from the same shall enter, survey or mark out any spot or piece of land within this state, for the purpose of obtaining a title for such land from the state of North Carolina, such person or persons so offending, shall forfeit and pay the sum of five thousand dollars, to him, her or them that will sue for the same, to be recovered before any court of record within this state, by action of debt, wherein no

*Penalty for
entering or
surveying
by authority
of N.
Carolina.*

effoign, injunction, protection, or wager of law shall be admitted or allowed, any law, usage or custom to the contrary notwithstanding. And should any person obtain a grant from the state of North Carolina as aforesaid, such grant shall not be admitted as evidence in any court of record within this state.

*Certain
grants not
valid.*

Sec. 8. *Be it enacted*, That nothing herein contained shall be construed so as to make good any warrant or grant obtained by fraudulent or illegal certificate, or other illegal means, or entry or grant or grants, obtained on warrants that have been ripened into a prior grant or grants, that the number of acres therein contained is unknown to the laws of this state.

*Owners of
land under
fraudulent
titles pro-
vided for.*

Sec. 9 *Be it enacted*, That in all cases where the title of land to any innocent purchaser, may be discovered to be fraudulent and of no effect, the holder and possessor of such land shall have a preference of two years to obtain a legal title for the same, if such title was obtained in his own name, but if said title is by purchase from another person, he shall notify the person from whom he purchased said land, that the title is fraudulent; then and in that case, the person purchased from, shall have two years to procure the legal title to such land, and in case he shall fail, or refuse to obtain such title in said time, the said possessor shall have two years to procure a legal title, and he shall have recourse on said seller for all expenses accruing thereon.

*Act when
in force.*

Sec. 10. *Be it enacted*, That this act shall be in force and use from and after the passing thereof, except that part which authorizes the governor and secretary to issue grants, which shall not be in force and use until the next general assembly.

*Repealing
clause.*

Sec. 11. *Be it enacted*, That all laws and parts of laws, coming within the purview and meaning of this act, be, and they are hereby repealed and made void.

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

PASSED—November 14th, 1801,

CHAP. III.

An ACT appointing surveyors and entry takers,
and arranging their duties in office.

SECTION 1 **B**E it enacted by the General Assembly of the state of Tennessee That every surveyor before entering upon the execution of his office, shall take and subscribe in open court the oath prescribed for the qualification of officers, and also an oath that he will well and impartially discharge the several duties of his office of surveyor, and shall enter into bond with sufficient security, to be approved of by the county court, in the sum of five thousand dollars, to the governor for the time being, and his successors in office, which bond shall be filed in the clerk's office of the county for which he is appointed, for the faithful discharge of the duties enjoined on him by this act, and the said bond shall be applied to the use and benefit of the state, or any person or persons injured by the said surveyor in his official capacity. And if any person or persons shall sustain any injury as aforesaid, such person or persons so injured, shall recover all damages by action of debt, in any court of record in this state, and on the trial of which, the aforesaid bond shall be given in evidence for the recovery of all damages, by the party injured. *Qualification of surveyors.* *Bond may be put in suit.*

Sec 2 *Be it enacted,* That it shall be the duty of the surveyor in each and every county within this state on the receipt of any lawful warrant or warrants, or copy of a location legally made with an entry taker, by virtue of a warrant, and certified by the entry taker in whose office said location was made, on which location the number of the warrant shall be inserted, then and in that case it shall be the duty of the surveyor to proceed to survey the same agreeably to the true intent and meaning of said warrant or location, for which service the surveyor shall receive two dollars for every three *Duty of surveyors.*

Hundred acres, or under, and for every hundred acres more, fifty cents, and no survey shall be made without chain carriers and a marker, who shall accurately measure and mark the lands so surveyed, the corners with four notches, and shall be paid by the party having the survey so made, and such chain carriers shall be sworn to measure the same justly and truly, and to report a true account thereof to the surveyor, which oath every surveyor is hereby required and empowered to administer, and every survey shall be bounded by natural boundaries or right lines, which lines shall be well marked running east or west, north or south, and the length of no survey shall exceed double the breadth, unless where the lines interfere with lands already granted or surveyed, or lines conditioned to, by the parties claiming lands adjoining or other natural boundaries.

Surveyors duty in making out plats, &c. Sec. 3. *Be it enacted*, That it shall be the duty of each surveyor to make out two fair plats, of each survey by him made, on at least one quarter of a sheet of paper, on which shall be mentioned the scale by which such plat was made, the names of the chain carriers, the number of acres, the date of such survey, the number of the warrant, and date of the location, the beginning, angles, distances, marks, and water courses, and other remarkable places, in words at full length, which plats shall be signed by himself, and delivered to the owner, or agent of such owner, within three months after such survey, it required, unavoidable accidents excepted, under the penalty of one hundred dollars for every failure, to be recovered by action of debt by the party injured, before any jurisdiction having cognizance thereof, and applied to his own use.

Duty of persons in making entries, &c. Sec. 4. *Be it enacted*, That every person having made an entry on a warrant agreeably this act, and in surveying the same, should it appear that there is not land enough to fill such warrant, then and in that case, the surveyor shall give a certificate to the owner, or any person authorized to act for him or them, of the quantity so deficient, expressing the num-

ber of the warrant and to whom granted, with the several assignees, which certificate shall be legal evidence to the entry-taker, to authorize the holder to enter the same, and on such entry the surveyor shall survey and return plats as on other warrants.

Sec. 5. *Be it enacted*, That the secretary of this State shall be entitled to receive fifty cents for each grant, where the land or part thereof has been taken by an older or better claim, that he may record in pursuance of an act, passed at this session of this general assembly, and thirty seven and an half cents for each warrant he may issue, to be paid by the person applying for the same, and at the time the grant is delivered to the secretary. *Fees to the secretary.*

Sec. 6. *Be it enacted*, That no entry taker in this state, shall receive or admit any entry or location to be made in his or their office, before the person applying to make such entry first make oath that the claim or warrant, on which such entry or location is founded, is equitable, just and legal to the best of his knowledge and belief, which oath the entry taker is empowered to administer, nor shall any entry-taker, for himself, make any entry but on oath as aforesaid, before some justice of the peace of his county, which justice shall subscribe his name officially to such entry. *Duty of entry takers.*

Sec. 7. *Be it enacted*, That there shall be one entry-taker appointed in each county in this state, who shall hold his office during good behaviour, and it shall be his duty to receive the location for each and every legal warrant, delivered him as by this act directed, which location he shall enter in words at full length, with the number of the warrant applied to such location, and the name of the persons making the same, certifying the different assignees, in a well bound book, ruled in equal spaces, and no space left blank between locations, also certifying the date and number of such location, the object of which is, the person making the first and oldest location, with said entry taker, on a legal and *bona fide* warrant, shall be deemed the person having the legal and lawful *Entry takers to be appointed.*

right to such spot or piece of land so located, and shall give a receipt to the person making such location, expressing the number of the warrant, and date of said location, for which, together with making such entry he shall demand and receive fifty cents from the person making the same.

*Deputy
surveyors.*

Sec. 8. *Be it enacted*, That each surveyor may appoint deputies under his hand and seal, not exceeding three, which deputies, shall take the same oath as the surveyor.

*Entry tak-
ers' quali-
fications.*

Sec. 9. *Be it enacted*. That each and every entry taker shall, before he enters into the execution of his office, take and subscribe in open court, the oath prescribed for the qualification of officers, and also an oath, that he will well, justly and impartially, discharge the several duties of his office as entry-taker, pursuant to the laws relative thereto, and shall enter into bond with good and sufficient security, to the governor for the time being, and his successors in office, in the sum of five thousand dollars, which bond shall be filed in the clerk's office of the county for which he is appointed, for the faithful discharge of the duties enjoined on him by the laws of this state, the said bond shall be applied to the use, and in the same manner as bonds directed to be given by surveyors in this act expressed.

*Governor
to appoint
surveyors
and entry
takers*

Sec. 10. *Be it enacted*, That in case of refusal to act, death or resignation, of any surveyor or entry taker appointed by the general assembly, the clerk of the court of the county in which such person or persons reside, shall certify to the governor without delay such refusal, death or resignation (as the case may be) who is hereby required to appoint a suitable person to fill such vacancy, and the person so appointed shall hold his office until the end of the general assembly, next after his appointment.

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

PASSED—November 14th, 1801.

CHAP. IV.

An ACT to authorize the Governor to procure certain documents therein mentioned.

WHEREAS it has been represented to this General Assembly, that the book containing the entries of land made in the office of John Carter, late entry taker of Washington county, is lost or destroyed, and that great injuries may arise to the citizens in consequence thereof: Therefore,

Sec. 1. BE it enacted by the General Assembly of the state of Tennessee, That the governor be, and he is hereby authorized and required, as soon as may be, to use such means as he may deem expedient and effectual, either by himself, or some person by him appointed for that purpose, to procure from the office of the secretary of state of the United States, or elsewhere, a correct and authentic copy of the book containing the said entries, or a correct transcript of a copy of said entries, or so many thereof as can be procured, which copy or transcript so obtained, the governor is hereby required to deposit in the office of the secretary of state; and the same, when so taken and deposited as aforesaid, shall be held and deemed of equal validity with the original entry book in all respects whatever; and each and every person interested and concerned therein, shall have ample access thereto, by applying to the secretary aforesaid, who shall be entitled to, and demand for every search, twelve and an half cents, and the same for each copy by him so taken and delivered, and a further sum of fifty cents for the use of the state; which fees shall be paid by the party petitioning; and each and every copy so taken and certified, shall be admitted as evidence in any court in this state. And he is moreover required and directed to lay his proceedings under this act, before the next general assembly

Governor authorized to procure certain documents.

Fees to the secretary.

Sec. 2. Be it enacted, That the governor be, and he is hereby authorized and required to appoint

*The books of
the military
land office
shall be
transcribed*

*Where to
be kept*

Oath.

a Fit and proper person to transcribe the locations contained in the books of the military land office, now in the possession of General Martin Armstrong, in Nashville; and such transcript, together with the originals, shall be deposited in the office of the clerk of the superior court of Mero district, and admitted as evidence in any suit, in as full and ample manner as the original copies could be. And said clerk shall enter into bond, with approved security, in the sum of ten thousand dollars, payable to the governor for the time being, and his successors in office, for his faithful safe-keeping such records; which bond shall be assignable to any person injured, and shall not become void on the first recovery, but shall remain to be assigned over as often as the case may require; and said clerk, before entering upon the discharge of the duties herein enjoined, shall take, in open court, the following oath:—*I, A. B. do hereby solemnly swear, (or affirm as the case may be) that I will faithfully and honestly keep the records of the military land office which now are, or may hereafter be put into my possession; that I will not alter, deface, change, blot out or make any addition to the same in any respect whatever, nor suffer the same to be done. So help me God. And it shall be the duty of said clerk, whenever called on for a transcript, or copy of a location or locations, to deliver the same; which copy, so taken, shall be admitted as evidence. And for each copy he shall be entitled to receive twelve and an half cents, and a further sum of fifty cents for the use of the state, which he shall account for as other public monies.*

*Commissioners to
revise the
transcripts*

Oath.

Sec. 3 *Be it enacted, That said military land books, when so transcribed, shall be carefully revised, examined, and corrected, by two proper and discreet persons, to be appointed by the governor, who, previous to entering upon the discharge of said duty, shall take and subscribe, before some competent authority, the following oath, viz:—I do hereby swear (or affirm) that I will faithfully and carefully examine and revise the transcript of the books belonging to the military land office, and compare the*

same with the originals and diligently correct every error in said transcript and make correspond with the originals. So help me GOD

Sec. 4 *Be it enacted* That the governor is hereby empowered and required, without delay, to appoint and commission a person duly qualified to go forward to the State of North Carolina, and lay before the executive thereof, a copy of a law passed this session of the general assembly, declaring the power of opening files for perfecting titles on all legal, just, and *bona fide* claims, issued by the aforesaid State of North Carolina, and recognized by the act of cession made by that State to the United States, and request him to lay the same before the Legislature at their next session, and state the propriety to them of transferring all right that the said State possibly can be construed to have retained, for perfecting grants, where entries had been made previous to the said act of cession; and further, to deliver unto said commissioner the original documents of all entries made in John Armstrong's office, or suffer the said commissioner to have a copy taken for the use of this State, and also all evidences of military warrants that have not been ripened into grants; and further, is required to ask and procure of the legislature of North Carolina the reports made by Messrs. Gathier and Purviance respecting the land business, or permission to take or procure transcripts of so much thereof as will shew when more than one grant has issued on a warrant, and such other parts of said report, and all other evidences, as may be necessary for the detection and prevention of frauds, the better to enable this State to do equal and impartial justice to the States and each individual, agreeably to the above recited act; and the originals or copies so obtained, shall be by the said commissioner delivered to the governor of this State, who is hereby required to cause the same to be deposited in the secretary's office, the object of which is, to place the holders or owners of any warrants in the precise situation for obtaining a grant, that he, she, or they were in, under the laws

*Governor
to appoint
Commissioner
to go
to North-
Carolina.*

of the State of North Carolina, and to establish a principle whereby this State will have the same power to detect fraud as the aforesaid State of North-Carolina possibly could have.

Entry book of Harden and Adair to be copied Sec. 5. *Be it enacted,* That the governor shall also appoint a person to copy the entry books known by the name of Adair's office, also the entry books and Adair known by the name of Harden's office, which person, so appointed, previous to executing the same, shall take and subscribe an oath, before some justice of the peace of this State, truly, faithfully and correctly to transcribe said entries, and deliver the same to the governor, together with the originals, who shall cause them to be deposited in the office of the Secretary of this State, and the same when deposited as aforesaid, shall be held and deemed of equal validity with the original entry books in all respects whatever; and each and every person interested therein, shall have ample access thereto, by applying to the Secretary aforesaid, who shall be entitled to, and for every search, twelve and an half cents, and the same for each copy, and a further sum of fifty cents for the use of the State; which fees shall be paid by the party petitioning; and each and every copy so taken and certified, shall be admitted as evidence in any court.

Holders of Harden & Adair's entry books to deliver up said books Sec. 6. *Be it enacted,* That the holders of the books of entry of the counties of Washington, Sullivan, and Greene, shall deliver to such person or persons as shall be appointed by the governor to receive the same, the original locations and books of entry of the said counties, or such parts thereof as have not been destroyed, under the penalty of ten thousand dollars, to be recovered in the name of the governor for the time being, to the use the State.

Commissioners to compare transcripts Sec. 7. *Be it enacted,* That the governor shall appoint two fit and proper persons, who shall examine and carefully compare and correct the copies of the books of entry of Adair's and Harden's offices, which examination shall be made at the Secretary of State's

office, which persons, so appointed, shall, before they enter upon the discharge of their duties, take and subscribe, before some competent authority, the oath prescribed in the third section of this act, and shall each receive the sum of two dollars per day whilst so employed.

Sec. 8. *Be it enacted*, That the secretary of this state, shall, previous to, or at the time of receiving the several documents specified in this act, take before some competent authority the following oath, viz. *I do hereby solemnly swear (or affirm) that I will faithfully and honestly keep all and singu ar the papers and documents now deposited in my office, and all others which may hereafter be put therein pursuant to an act, entitled, an act authorising the governor to procure certain documents therein mentioned," and that I will not alter, deface, charge, blot out, or make any addition to the same in any respect whatsoever, nor suffer the same to be done, So help me GOD.* And it shall further be the duty of said secretary, to account for all monies by him collected in behalf of the state, by virtue of this act, in the same manner as clerks of the several courts of law are bound to do. *Duty of Secretary.*

Sec. 9. *Be it enacted*, That the commissioner to be appointed in pursuance of this act, to go to the state of North Carolina, shall be allowed the sum of four dollars for every day he shall be necessarily engaged in the business of his appointment. He shall take an oath before some judge or justice of the peace, well and truly to perform the duties enjoined on him by this act, to the best of his power, skill and ability; a copy of which oath shall be filed in the secretary's office. He may employ one or more clerks, under the direction of the governor, to assist him in doing the said business. He shall keep up a constant correspondence with the governor, and observe such instructions as the governor may from time to time give him. And the governor shall give him all such directions as he may deem expedient. *Compensation to commissioner.*

Compensation for copying books.

Sec. 10. *Be it enacted* That the commissioners to be appointed to copy the books and papers of Martin Armstrong's, Carter's, Adair's, and Harden's offices, shall be allowed each the sum of four dollars for each hundred locations or entries so copied; and the commissioners to be appointed to revise and examine the books of Martin Armstrong, when copied, shall each receive two dollars per day whilst they are necessarily employed in such examination.

Locations to be copied in well bound books.

Sec. 11. *Be it enacted*, That all copies to be taken by virtue of this act, shall be entered in well bound books, and be written in a plain round record hand, which books are to be procured at the proper cost and charge of the person taking such copies.

Governor to draw on treasury.

Sec. 12. *Be it enacted*, That the governor is hereby authorized to draw upon both or either of the public treasurers of this State, for so much money as will be sufficient to carry this act into effect, which draft or drafts shall express the use such money is drawn for: *Provided* The whole sum doth not exceed three thousand dollars.

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

PASSED—November 14th, 1805.

CHAP. V.

An ACT to prevent the exportation of unmerch-
chantable commodities.

*Articles
to be in-
spected.*

SECTION 1. **B**E it enacted by the General Assembly of the state of Tennessee, That no pork, beef, hog's lard, butter, hemp flour, or kiln dried meal, shall be exported from this state, until they be inspected under the regulations herein after mentioned. And the justices of every county court are hereby authorized and required, if to them it shall appear necessary, at the first or second courts to be held in each of the said counties after the passing of this act, or at any other court thereafter, nominate and appoint in open court, one or more fit and proper persons, not exceeding six in one county, residing in said county, to attend at such times and places as are by this act appointed and directed, to inspect all such beef, pork, lard, butter, hemp, flour, or kiln dried meal as shall be exposed to sale, for exportation, according to the directions of this act; and every person, so appointed, shall hold his office during good behaviour; and before he enters upon the execution of that office, shall make oath before the justices of his county court, carefully to view, inspect and examine, when required, all pork, beef, lard, butter, hemp, flour, and kiln dried meal, and to the best of his skill and judgment not to stamp or mark any of the above mentioned articles, unless they be good, clean, sound merchantable, and of the weight or guage by this act directed, and faithfully to discharge the duty of this office, without favor, affection, prejudice or partiality. And each inspector, so appointed, shall, before he enters upon, or executes the duties of that office, enter into bond, with two good and sufficient securities, in the penalty of one thousand dollars, for the true and faithful discharge of his office agreeably to the directions of this act; which bond and securities every such court respectively is hereby em-

*Inspectors
to be ap-
pointed*

*Inspector
to give
bond.*

*Bond may
be put in
suit.*

Proviso.

*County
courts may
discharge
inspectors.*

*Deputies
may be
appointed.*

powered and required to demand and take, and cause to be acknowledged in open court, and recorded; and the said bond shall be made payable to the governor for the time being, and his successor in office, and shall be in force for the term of three years after such inspector shall be out of office; and in the name of the governor any person or persons injured may and shall at his, her, or their costs and charges, commence and prosecute a suit or suits on such bond against the parties therein bound, their executors or administrators and shall and may recover all damages which he, she, or they may have sustained by reason of the breach of the condition thereof; and the said bond shall not become void upon the first recovery, or if judgment be given against the plaintiff or plaintiffs, who may sue on such bond, but may be put in suit, and prosecuted from time to time, for the benefit of the party or parties injured, until the whole penalty expressed in such bond shall be recovered: *Provided always*, That if any such verdict or judgment shall pass for such inspector or his security, the person or persons at whose instance such suit shall have been prosecuted, shall pay double costs.

Sec 2 *Be it enacted*, That the county courts of pleas and quarter sessions of the respective counties, shall be, and they are hereby authorised and empowered, at any time, to discharge any inspector from his said office, who shall act contrary to his duty therein, the party complaining giving ten day's previous notice, in writing, of the complaint against him, with the particulars thereof; and at the death, or on the disability of any of them; to appoint another to succeed such dead, disabled, or misbehaving inspector. And if such death happen in the vacation of such court, it shall then be lawful for any three justices of such court to nominate and appoint some other fit or proper person as inspector, until the next succeeding court for such county; or if any inspector shall be rendered incapable of performing his duty by sickness, or other accident, it shall then be lawful for such inspector, by and with the

consent of three justices, to appoint some other person as an assistant, during said inspector's disability, which consent shall be certified under their hands, and lodged with the clerk of the county court in which such inspector resides ; and the person so appointed, shall take the same oath as inspectors appointed by the courts ; and the inspector shall be liable to the same fines and penalties for the said assistant's bad conduct and misbehaviour, as he is liable to for his own.

Sec. 3. *Be it enacted*, That every inspector shall give his attendance whenever he may be required, and shall provide an iron to brand any of the *Duty of inspectors*, commodities bearing the name of the inspector and his place of residence, and shall attend to the weighing the commodities he may inspect, assistants being found by the owner ; and he shall also provide proper scales and steelyards of the lawful standard for that purpose. And if any inspector shall neglect his duty, or brand, stamp or mark any of the commodities contrary to this act, or brand any empty barrel, or lend his brand to any person whatever, he shall forfeit and pay for every barrel of beef, pork, lard, flour, or kiln dried meal, or bale of hemp, or vessel containing butter, the sum of twenty dollars, and for branding any empty barrel, or lending his brand, two hundred dollars, to be recovered with costs, by action of debt, by and for the use of any person who shall sue for the same, before any jurisdiction having cognizance thereof ; and every other person or persons that shall by any ways or means brand or procure to be branded, stamped or marked, any of the aforesaid commodities, than by the inspector and his assistants, he or they so offending, shall forfeit and pay for every such offence, the same fines and penalties as inspectors are by this act liable to pay for breach of duty or misbehaviour.

Sec. 4. *Be it enacted*. That no cooper or other person turnishing casks, shall expose to sale any barrel or half barrel, for the holding of pork, beef, but- *Coopers to brand c. kts*

ter, or lard, flour or kiln dried meal, other than such as are by this act directed to be made for that use, under the penalty of two dollars for each; and every cooper or other person making barrels or half barrels, before they expose the same to sale, shall set his or her proper brand upon the same, which brand shall be recorded in the office of the clerk of the county court, where he or she may reside, under the penalty, for each and every neglect, of twenty dollars.

*Inspector
to record
articles in-
spected.*

Sec 5. *Be it enacted*, That every inspector shall keep a book, in which shall be fairly entered, the maker's name and mark of every barrel, half barrel, bale or package inspected, the number of barrels, half barrels, bales, or packages of the same mark, the name of the merchant or exporter causing the same to be inspected, and the time of inspection, and shall give a certificate of any person requiring the same, on payment of twenty five cents.

*Articles to
be re in-
spected in
certain
cases.*

Sec. 6. And whereas certain commodities, by being exposed to the sun, or kept too long on hand after inspection, may become unmerchantable, *Be it enacted*, That no beet, pork, lard, butter, flour, or kiln dried meal shall be put on board any boat or other vessel, for exportation, after the expiration of sixty days from the time the same was inspected, until the same shall have undergone a second inspection, and a certificate or certificates granted in the same manner as if such commodities had never been inspected, any thing herein contained to the contrary notwithstanding; and every person offending herein, shall forfeit one thousand dollars; and the master or commander of said vessel or boat, shall be liable to the same penalty as for taking on board any of the said commodities without being branded.

Sec. 7. *Be it enacted*, That beef or pork, packed for sale or exportation, shall be put in good and sufficient new white oak casks, which shall not contain more than thirty gallons, wine measure, each barrel, and fifteen gallons each half barrel; and all barrels and half barrels shall be made of timber well

seasoned, the staves not less than half an inch thick when wrought, the heading not less than three quarters of an inch thick, and well dowed, with twelve good and substantial hoops on each, and the whole to be tight, fit to hold pickle, and made in a workman like manner, and shall contain at least two hundred pounds of good, sound, clean merchantable meat, well salted and cured, with a sufficient quantity of salt to each barrel, and well nailed or pinned and packed, and no more than two heads in one barrel, and without any bear's flesh in any barrel of pork, nor any heads, nor bull's flesh, nor more than two shanks in any barrel of beef; and every vessel containing lard or butter shall be filled with such of those articles as are sound, good, and merchantable, and after inspected, the same shall be branded by the inspector as aforesaid, and a certificate thereof given to the owner, bearing date, in words, at length, the same day such commodity was inspected and passed.

Sec. 8. *Be it enacted*, That every seller of beef, *Seller of* pork, lard, butter, flour, kiln dried meal, or hemp, *inspected* packed or filled in this state, and stamped or brand- *articles to* ed, shall make oath before a justice of the peace, at *make oath* the time of the delivery of the goods sold or exported, that the several barrels by him sold or exported, are the same that were inspected and passed, and do contain the full quantity without embezzlement or alteration, to his knowledge. And every person taking a false oath, and being lawfully convicted thereof, shall suffer the pains and penalties inflicted on persons guilty of wilful and corrupt perjury, and moreover shall forfeit and pay the sum of one hundred and fifty dollars, to be recovered by any person or persons suing for the same, to his or their use. —

Sec. 9. *Be it enacted*, That the inspector, or his deputy, shall have and receive for viewing, search- *Fees to in-* ing, and packing or re packing, heading and brand- *pector.* ing of every barrel of beef, or pork, twelve and an half cents; and for every half barrel, ten cents.— For every vessel containing lard or butter, four cents.—For every barrel of flour or kiln dried meal,

four cents. —And for every bale or package of hemp, six cents, to be paid by the person having the same inspected ; and it shall be his duty carefully to record, in a bound book kept for that purpose, the number, marks, brands, and stamps, and the names of the persons selling and shipping the same, and deliver a copy thereof, certified by himself, to the purchaser or exporter.

*Inspectors
authorised
to make
search.* Sec. 10. *Be it enacted,* That said inspector, or his deputy, on information made, or they having just right to suspect, that any person or persons having shipped, or is about to ship for exportation, any of the articles mentioned in this act, contrary to the true intent and meaning thereof, said inspector, or his deputy, shall have full power and authority, by virtue of this act, and without any further warrant, to enter on board any vessel or boat whatsoever, lying or being in any port or place in this state, and into any house, store or places whatsoever, to search for, or make discovery of any of the said articles shipped, or intended to be shipped for exportation ; and if the owner or possessor, or their servants or others, shall deny him or them entrance, or if the said officer or his deputy shall be any way molested making such discovery as aforesaid, or if such merchant or owner shall refuse to permit the said officer or his deputies to view or examine any of the inspectable commodities aforesaid, or not permit him or them to brand or mark the same, if merchantable, according to the direction of this act, every person, so offending, shall forfeit and pay the sum of twenty five dollars ; or if any person shall ship off any of the aforesaid commodities, not branded or marked as by this act directed, every such person, so offending, shall forfeit and pay the sum of two dollars for every barrel or other vessel, or package, or bale so shipped.

*Inspected
articles to
be brand-
ed.* Sec. 11. *Be it enacted,* That the word TENNESSEE be branded on each barrel or other wooden vessel in which any articles passing inspection is shipped, the letters of which shall be at least one inch long ; and said word, of the same size, shall

be marked on each bale or package of hemp by the *Penalty* inspector; and if any person or persons counterfeit *for coun-* said brand or mark, he, she, or they being legally *forfeiting* convicted thereof, shall forfeit and pay the sum of *brand.* five hundred dollars for each offence.

Sec. 12. *Be it enacted,* That all wheat flour or kiln dried meal be well bruited, and shall be made *Flour and* by the miller or manufacturer thereof merchantable, *meal how* and of due fineness, and without any mixture of *to be ma-* other or coarser flour or meal; and all casks in *manufactured* which said flour or meal shall be packed for export. *and packed* tation, shall be well made of good seasoned materials, tightened with ten hoops, sufficiently nailed, with four nails in each chine hoop, and three nails in each upper bilge hoop, and shall be of the following dimensions, viz. the staves shall be twenty seven inches in length, and the heads seventeen inches and a half in diameter; and for half barrels the staves shall be twenty three inches in length, and the diameter at each head of twelve inches and a half.

Sec. 13. *Be it enacted,* That every packer of flour or kiln dried meal shall put into a barrel the full quantity of one hundred and ninety six pounds of flour, and into every half barrel the full quantity of ninety eight pounds of flour; and if any one of them shall put a smaller quantity of flour than is herein directed, in any cask, he shall forfeit for the deficiency of every pound under three, eight cents, and for the deficiency more than three, seventeen cents; and casks in which kiln dried meal is intended to be exported, shall be filled and the weight marked thereon. And the inspector or his assistant, upon suspicion, or at the request of the purchasers, shall, and he is hereby required to unpack any cask of flour or meal, and ascertain the quantity of the same; and if deficient, the charges arising from the same, as well as re packing, shall be paid by the person selling the same, and shall moreover be subject to the penalty of fifty cents for each cask proving deficient.

Quantity to be put in a barrel.

Inspector may unpack flour.

Sec. 14. *Be it enacted,* That the inspector of *Manner of inspect-* flour or kiln dried meal, shall inspect the same by *ing flour.*

*Casks how
to be brand-
ed.*

boring through the head with an instrument, not exceeding half an inch in diameter, to be by him provided for that purpose; and if he shall judge that the same is well packed and merchantable, according to the directions of this act, he shall plug up the hole, and brand the cask in the quarter, with the name of the place at which he is inspector, with a brand mark to be provided by him for that purpose, and shall also brand and mark the degree of fineness which he shall on inspection determine said flour to be of, which degree shall be distinguished as follows, to wit. SUPERFINE.—MIDDLING.—SHIP STUFF.—For which trouble he shall have and receive of the owner of such flour or meal, the sum of three cents for each cask; and no inspector shall pass any flour which is not merchantable, but shall mark on the cask CONDEMNED. And if any person laden on board any boat or vessel any flour marked CONDEMNED, or any casks or barrels not inspected or branded as aforesaid, he shall forfeit and pay ten dollars for each and every such cask or barrel; and if any person shall pack, for exportation, any flour in old casks, which have been branded before, such person, for every such offence, shall forfeit and pay the sum of twenty dollars for every cask or barrel so packed, to be recovered before any justice of the peace in the county in which such offence shall be committed.

*Penalty for
packing in
old casks.*

*Duty of an
inspector
of hemp.* Sec. 15. *Be it enacted,* That inspectors of hemp shall not be concerned in mercantile or rope-making business; and it shall be their duty carefully to inspect and examine all hemp, when called on, at the different places of inspection, carefully separating that which may be strong, dry, and sound from that which may be unsound and unfit for exportation, and when so separated, shall be distinguished in the note by him given, in manner following, viz. All that which shall appear clean, dry and well conditioned, shall be termed first quality, and that which shall appear dry, strong and well conditioned, though not perfectly clean, shall be termed the second or third rate, according to the cleanness of the same; but if it shall appear upon the offering any dry hemp

for inspection, that it contains so great a quantity of trash, or is unsound, so as to render it unfit for manufacturing or exportation, the inspector shall not give his note for the same, but the owner may dispose of it as he thinks proper.

Sec. 16 *Be it enacted*, That said inspector shall receive for his services, for every gross ton, the sum of one dollar, and every ton by him refused, the sum of fifty cents, and so down in proportion, to be paid on delivering the note, or by the person whose hemp may be refused. *Fees to inspector of hemp.*

Sec. 17. *Be it enacted*, That all hemp, sound and merchantable, distinguished as above directed, shall, when prized, have a label annexed thereto, stamped with the quality and weight of each bale, and the owner's name, which shall be entered in a book kept for that purpose; and he is hereby required to give a certificate for all hemp by him passed, in form following, viz. *I, A. B. do hereby certify, that C. D. hath deposited* *tens or pounds of hemp, of* *Quality of hemp to be stamped thereon.* *Certificate*
quality, passed inspection at
at which place I am inspector. Witness
my hand, this *day of* *in the year*

Sec. 18. *Be it enacted*, That every person or persons owning a press, shall be, and he or they are hereby empowered and directed to inspect all cotton to be by him or them packed, and to pass none inferior to first quality, unless it be marked as in this act directed, and he or they shall take the oath directed for inspectors by this act, and also give bond with security in the sum of one thousand dollars, which bond shall be binding on him or them in the same manner as the bonds given by other inspectors under this act, and should any inspector of cotton as aforesaid, be guilty of passing and marking, or suffering to be packed and marked at his press, inferior cotton, without being properly designated as herein directed, he shall forfeit and pay for every such offence, the sum of one hundred dollars for each hundred weight, and said inspector of cotton, shall grant proper certificates to the purchaser or owner of the cotton, which has passed through his press, and for *Owners of cotton. presses are inspectors. Their duty*

Proviso.

each such certificate he shall be allowed the sum of twenty five cents, to be paid by the owner thereof: *Provided*, That cotton of inferior quality may be exported, having marked on the bale the words, **INFERIOR COTTON**, in large letters, accompanied with a certificate of the value thereof, in comparison with first rate cotton of the state, and every person giving a false certificate, shall forfeit and pay the sum of one hundred dollars.

Bales of cotton how to be marked.

Sec. 19. *Be it enacted*, That the owners of presses shall cause to be marked upon each bale of merchantable cotton intended for exportation, the word **TENNESSEE**, together with the initial letter of their christian, and the whole of their surname, and the number and weight of said bail, and if any person shall presume with fraudulent intent to inscribe upon any bale of cotton, any other than the marks of the gin or press where such cotton was packed, he shall, upon conviction thereof, forfeit and pay the sum of five hundred dollars, to be recovered before any authority having cognizance thereof, one half to the state, and the other half to the person suing for the same.

Seller of inspected articles to produce certificate.

Sec. 20. *Be it enacted*, That every seller or exporter of beef, pork, lard, butter, or hemp, flour, or kiln dried meal, shall produce the certificate of the inspector who inspected the same, and make oath or affirmation, if required, before a justice of the peace, on the delivery of the goods sold or exported, that the several commodities by him so to be sold or exported, are the same that were inspected and passed, and do contain the full quantity mentioned in such certificate, without embezzlement to his knowledge; which oath or affirmation the justice is hereby required to certify on the back of the certificate, which certificate the seller shall deliver to the buyer of such commodities sold, and the person exporting such commodities, shall deliver such certificate to the master of the boat or vessel, on board which the same shall be shipped, and if such seller or exporter shall refuse to make such oath or affirmation, he shall, for every such offence, forfeit and pay the sum of two hundred dollars.

Sec. 21. *Be it enacted*, That no person holding any post or place of profit, by deputation or other wise, shall be appointed to the office of inspector, and no inspector shall be capable of being elected a member of the general assembly; and if any person shall be appointed to such office, and shall accept any post or place of profit after such appointment, he shall be rendered incapable of holding his said office of inspector, and the court shall proceed to appoint another inspector in the room of such person, according to the directions of this act.

Inspectors shall hold no other office.

Sec. 22 *Be it enacted*, That the several fines and forfeitures by this act inflicted, for which no method of recovery or application is herein before directed, shall, and may be recovered with costs, before any jurisdiction having cognizance thereof, one half to the use of the prosecutor, and the other half to the county where such penalty shall be incurred, to be applied by the court, to the lessening the county tax.

Several fines how appropriated.

Sec 23. *Be it enacted*, That no inspector shall, by himself or others, purchase any cullings or other articles that do not pass inspection, upon pain of forfeiting one hundred dollars, to be recovered and applied in the manner that other fines and forfeitures are directed by this act.

Inspectors shall not purchase cullings.

Sec. 24. *Be it enacted*, That the places hereafter mentioned, be, and are hereby appointed for the inspection of the commodities herein mentioned. *Provided nevertheless*, The several county courts shall have power to make such further regulations respecting the places of inspection in their respective counties, as they may deem proper, viz.

Places of inspection.

— *For the county of MONTGOMERY.*

Clarksville, Port-Royal, and Palmyra.

ROBERTSON.

Springfield and Fayetteville.

DAVIDSON.

Hayborough, Nashville, and Waynesborough.

*Places of
inspection.*

WILLIAMSON.

Franklin.

SUMNER.

Cairo, Saunders's ferry, below the mouth of Drake's creek—the mouth of Mansker's creek—the mouth of Station Camp creek, and at Eccle's opposite Cairo.

WILSON.

At Morrison's Ferry.

SMITH.

At Bledsoesborough, the mouth of Caney Fork, and at Fort Blount.

KNOX.

The mouth of Sinking creek on Holston and Knoxville.

R O A N E.

Kingston.

CLAIBORNE.

Mouth of Old Town creek and mouth of Sycamore creek.

ANDERSON.

Mouth of Powell's river, at Grantsborough.

JEFFERSON.

Dandridge, Mosley Creek Iron-Works, and at Colonel Alexander Outlaw's, Bent of Noli-chuckey.

GRAINGER.

Rutledge, and Ore's mill on Holston.

BLOUNT.

Maryville, mouth of Baker's creek, and fork of Holston on Tennessee.

SEVIER.

Places of inspection.
M'Clery's mill, Wilson's mill, and Forks of Pigeon.

HAWKINS.

Daniel Rice's, Rhodham Keener's, and Lockly Stubblefield's.

SULLIVAN.

John Spurgen's mill, Saltville below the mouth of Reedy creek, and mouth of creek.

GREENE.

Greeneville, Morrison's mill, Henry Conway's, senior, and Leesburgh.

WASHINGTON.

Jonesborough, Brown'sborough, and Peter Range's mill, Boon's creek.

CARTER.

Elizabeth Town and at John Vault's.

JACKSON.

Proviso.

Mouth of Obed's and Roaring rivers, and Flin's creek.

C O C K E.

Newport.

Provided nevertheless, That any person or persons having at any landing, which is not by this act appointed a place of public inspection, a quantity of produce for exportation, and being desirous to ship the same directly on board a boat or vessel for exportation from such landing, it shall and may be lawful for such person or persons to call on an inspector, who is hereby required to inspect and brand the same, under the rules in this act directed, any thing herein contained to the contrary notwithstanding; and in this case said inspector shall be allowed by the person so requiring his attendance, six and a quarter cents for each mile to said place, besides the ordinary fees.

Repealing clause.

Sec. 25. *Be it enacted*, That all acts or parts of acts, coming with in the purview and meaning of this act, be, and the same are hereby repealed.

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate,

PASSED—November 14th, 1801.

CHAP. VI.

An ACT to regulate the proceedings of the court of equity, and for amendment of the law.

Equity jurisdiction not less than fifty dollars. SECTION 1. **B**E it enacted by the General Assembly of the state of Tennessee, That the court of equity shall not have jurisdiction of any debt, or demand, of less value than fifty dollars, and all inferior jurisdictions shall have full power and authority, either originally or by appeal, to hear and finally determine all disputes of less value.

Debts contracted in other states how proceeded on. Sec. 2. *Be it enacted*, That where debts shall have been contracted in other states, and it shall appear to the said court, or a judge thereof, by affidavit annexed to the bill, or otherwise, that any such debtor has not sufficient property liable to execution by *Fieri Facias*, in the state where he resides, to satisfy such debt, and the said debtor shall own real or personal property in this state, then and in that case, such court shall have power and authority, upon a bill being exhibited for that purpose, to make real or personal property as aforesaid liable for such debt.

Proviso. *Provided*, The complainant shall, in all cases exhibit sufficient proof of his having previously taken all legal measures to the recovery of his debt, which proof shall consist of a complete transcript copy of the judgment and execution obtained against such debtor, and such copy shall be certified under hand and seal

of the clerk of the court in which such judgment was obtained: *Provided also*, That such bill or suit, shall be instituted or filed in the court of the district where such real or personal property is situated: *And further provided*, Nothing herein contained shall be construed to invalidate the proceedings on attachments heretofore had at law.

Sec. 3. *Be it enacted*, That the said court shall have power to issue attachments against property upon the exhibition of any bill or bills, in the nature of original or judicial attachments at law, in order to carry into effect the above provisions, and in such other equitable cases where the court may deem it right and proper, to render process in equity more effectual, by superceding sequestration agreeably to the practice of the court of chancery in England. *Court may issue attachments*

Sec. 4. *Be it enacted*, That in all cases of suits in equity, upon contracts made in other states, the court shall direct publication to be made for six weeks next immediately after the rise of such court, in some gazette printed in the state, requiring the appearance of an absent defendant; and should the said court deem it necessary, shall direct publication also to be made in some gazette of the state in which such absent defendant resides, agreeably to practice in such cases. Evidence of such publication shall be an affidavit of the printer, or actual production of the gazette or gazettes in court; whereupon, should no plea, answer, or demurrer be filed, the bill shall be taken *pro confesso*, and decreed accordingly; but the said court shall not proceed to make a final decree until the court next succeeding that in which the bill shall have been taken *pro confesso* as aforesaid. *In certain suits, notice to be published in some gazette.*

Sec. 5. *Be it enacted*, That any non resident defendant may plead, answer, or demur, at any time before final decree; and such pleading shall be put on the rule docket, at the first rule day after exhibiting the same. *Rule respecting non resident defendants.*

Sec. 6. *Be it enacted*, That in all suits in the said court, the following rules and methods shall be observed. *Rules of court.*

**Rules of
court.**

7. The complainant shall file his bill as heretofore.

8. And he may amend his bill before the defendant or his attorney hath taken out a copy thereof, or the clerk hath issued the same; or he may amend in a small matter afterwards without paying costs; but if he amend after such copy hath issued, he shall pay the defendant all costs occasioned thereby.

9. There shall be no other process of contempt than attachment, but without proclamation.

10. No process of contempt shall issue, unless the subpoena or writ be returned served by a sworn officer, or affidavit be made of the service thereof, except in the cases herein provided.

11. Every defendant may swear to his answer before any one judge, or any justice of the peace in this state, or any such officer in other states: *Provided* In the case of an affidavit before a judge or justice of another state, the clerk of the court in which such judge or justice shall have jurisdiction, shall from under his hand and seal of office (if there be one) certify the official capacity of such judge or justice.

12. Rules to plead, answer, demur, or reply, or other proceedings when necessary, shall be given from month to month with the clerk in the office, unless otherwise herein provided; and all orders or rules taken at any one court, shall be inserted on such rules, at the first rule day after such term, making the filing of an answer, plea, or demurrer, an appearance; which rules shall be entered in a book neatly bound, for the information of all parties concerned therein; and the effect to be produced by each rule, shall be had and obtained at the expiration thereof.

13. The defendant shall plead, answer, or demur, at the first term to which the process shall be returnable, unless a further time is allowed by the court, which shall expire at some one of the rule days herein provided; and the said day of expiration shall be considered in the taking of rules, as the day for the appearance of the defendant.

14. In all cases, except such as relate to debts con- *Rules of*
 tracted in other states, where the sheriff shall return *court.*
non est inventus upon any leading process, the court
 shall proceed to make publication as heretofore, and
 upon proof thereof as aforesaid, the court shall pro-
 ceed to make a final decree under the regulations
 herein provided.

15. If the defendant shall fail, on the process being
 duly served on him or her, to plead, answer, or de-
 mur, at the term to which the process shall be return-
 able, or to obtain further time to answer, then and
 in that case, the bill of the complainant may be ta-
 ken *pro confesso*, at the first term as aforesaid, and
 the plaintiff may have a general commission to take
 depositions, or proceed by process of contempt, in
 order to bring the defendant into court to answer
 interrogatories, at his election; and if the defendant
 shall refuse to answer such interrogatories, as the
 court may put, he or she shall be committed: And
 the plaintiff may proceed on to hearing in the two
 last cases as if the answer had been filed, and the
 cause was at issue: *Provided*, That the court, or a
 judge thereof, on good cause shewn, may allow the
 answer to be filed and grant a further day for such
 hearing.

16. After answer filed, and no plea in abatement
 to the legal jurisdiction of the court, no exception
 for want of such jurisdiction shall ever afterwards be
 made.

17. If the complainant's attorney shall except a-
 gainst any answer as insufficient, he may file his ex-
 ceptions, and give a rule with the clerk to make a
 better answer within one calendar month, and if
 within that time the defendant shall put in a suffi-
 cient answer, the same shall be received without costs;
 but if any defendant insists on the sufficiency of his
 answer, or neglects or refuses to put in a sufficient
 answer or shall put in another insufficient answer, the
 plaintiff may set down his exceptions to be argued
 the next term in court, and after the expiration of
 such rule, or any second insufficient answer put in,

Rules of court. no further or other answer shall be received, but upon payment of costs.

18. If upon argument in court, the complainant's exceptions shall be over ruled, or the defendant's answer adjudged insufficient, the complainant shall pay to the defendant, or the defendant to the complainant, such costs as shall be allowed by the court.

19. Upon a second answer being adjudged insufficient by the court, costs shall be doubled, an attachment may issue, and the defendant may be examined upon interrogatories, and committed until he or she shall have answered, or in case such defendant shall fail to appear upon the return of such attachment, an *alias* attachment shall issue, upon which no bail shall be taken.

20. If the defendant at any time after process of contempt being returned executed, or being brought into court upon such process, or shall refuse to answer the plaintiff's bill, or the defendant shall put in an insufficient answer, which shall be so adjudged by the court, the complainant may proceed to have the bill taken *pro confesso*, and obtain a decree accordingly; but in that case all further process of contempt shall cease, and if the defendant shall be in custody, the court, or a judge thereof, may order his or her discharge.

21. After an attachment returned, no plea or demurrer shall be received, unless by order of court upon motion; and upon service of all attachments, bail shall be taken unless herein otherwise directed.

22. In all cases where judicial process or execution, according to the principles of the common law, cannot be made to apply to the purposes of carrying into effect any decree in equity, then the court may be authorised to order an attachment for contempt, provided a copy of the decree shall have been served upon the defendant, by reading the same to him, at least ten days before court, and due proof being made. And in case such defendant shall abscond or keep out of the way, so that a copy cannot be served as aforesaid, or such defendant shall e-

vade or refuse to have the said decree read, such officer or other person shall leave a copy at the house or last place of abode of such defendant; and proof of such facts being made by affidavit, the court shall have power to order an attachment in the same manner as if a copy of the decree had been read as aforesaid. *Rules of court.*

23. All attachments for not performing decrees, shall be in nature of an execution, on the service of which no bail shall be taken, but the party shall be committed to the district jail, there to remain until he performs the decree: *Provided*, That such court, or any one of the judges thereof, in vacation, shall have power to grant a *Habeas Corpus*. And if upon interrogatories exhibited on oath to the party brought up on such writ, it shall appear to the satisfaction of such court or judge, that the party has cleared contempts, the said court or judge may order his or her discharge upon such conditions as it respects his or her compliance with the decree, as such court or judge may think proper: *Provided always*, that the adverse party, his agent or attorney, shall have reasonable notice of the time and place of exhibiting such interrogatories, if such party, his agent or attorney at law be within the division.

24. The complainant shall reply or file exceptions on or before the second rule day after the term in which the answer shall have been filed. The defendant having given a rule for replication, may give another rule on the said second rule day for hearing upon bill and answer, after the expiration of which the cause shall be set for hearing and no depositions or proof shall be admitted on either side, unless by consent, or by order of court.

25. Hereafter no special replication shall be allowed, and all causes shall be at issue upon filing a general replication.

26. If the complainant conceives any plea or demurer to be naught, either for the matter or manner of it, he may set it down with the clerk to be argued; or if he thinks the plea good, but not true,

**Rules of
court.**

he may take issue upon it, and proceed to trial by jury, as has been heretofore used in other causes in equity where trial hath been by jury : And if there-upon the plea shall be found false, the complainant shall have the same advantages as if it had been so found by verdict at common law.

27. If a plea or demurrer be over ruled, no other plea or demurrer shall be thereafter received; but the defendant shall answer the allegations of the bill; and in case he or she fail so to do, upon a rule being given, the plaintiff may proceed to have his bill taken *pro confesso*, as if no plea or demurrer had been filed.

28. Upon a plea or demurrer argued and over-ruled, costs shall be paid, as where an answer is judged insufficient, but if adjudged good the defendant shall have his costs.

29. If the complainant shall not proceed to reply to, or set for hearing, any plea, answer, or demurrer, (or in case of the bill being set for hearing upon bill and answer by the defendant) he shall fail to prosecute his suit, on or before the second court after filing or setting the same for hearing, in both of these cases the bill may be dismissed of course, with costs, during the said second term.

30. Where subscribing witnesses to the execution of deeds, writings, or other documents, essential to the justice of a cause, live at a greater distance than twenty miles from the place of holding court, the depositions of said witnesses shall be taken with such deeds, writings or other documents annexed thereto, proving the execution thereof.

31. The mode of proof by oral testimony, and examination, either before the court on hearing, or the jury on trial of an issue of fact, shall be the same as in courts of law, where such witnesses reside or shall be found within the division hereafter mentioned, unless the parties or their attornies shall agree to take depositions, which in all cases shall be good, unless otherwise herein provided. And when the testimony of any person shall be necessary in any

cause depending in said court, who shall not reside in the said division, or is about to go without the same before the time of hearing or trial, or is ancient or very infirm, the deposition of such person may be taken *de bene esse*, and may be read without proof of such disability to attend.

32. Depositions may be taken before the clerk and master, any judge, or justice of the peace, mayor, or chief magistrate of a city or town, not being interested, or of counsel, or attorney to either of the parties within this or any other state; or the court may direct depositions to be taken before any other person, should it be necessary.

33. The clerk and master shall have power to issue subpoenas for witnesses, and commissions to take depositions as of course. And proof of notice before the clerk and master, shall be as effectual as if made in court.

34. As it respects giving parties notice, summoning witnesses, and collecting evidence, so far as relates to the provisions of this act, this state shall be divided into two divisions. All that part of the state of Tennessee included within the limits of Washington and Hamilton districts, shall compose one division, and all that part within the limits of the district of Mero shall compose the other division.

35. When the party to be notified, shall reside within the division, notice to an agent or attorney at law shall not be effectual, unless the said agent or attorney at law shall agree to receive or accept of notice.

36. When issues of fact are necessary, it shall be the duty of parties, by their attorneys, to agree upon the same in writing, under their hands, at the rule day, when the replication shall have been put in; but in case either party shall refuse or neglect to make such agreement at such rule day, then and thereafter, either party, by his attorney aforesaid, may demand of the clerk copies of the pleadings, viz. bill, answer or answers, and replication, which copies shall be delivered to any one of the judges of

**Rules of
court.**

the said court, whose duty it shall be to examine the same, and as soon as may be, make in writing, under his hand, such issues of fact as he may deem material to the attainment of justice, and file the same of record with the clerk and master, within fifteen days after receiving copies of said pleadings; as a guide for the parties in summoning witnesses and taking depositions; and the clerk and master shall mark the day of filing the same.

37. Six months after the replication shall have been filed, shall be allowed the parties for taking depositions and procuring evidence, unless the parties or their attorneys shall agree to set the cause for hearing sooner. At the expiration of the said six months either party may set the cause for hearing; nor shall any deposition taken after that time be read in evidence on the hearing, except by consent, or leave of court.

38. When a cross bill shall be exhibited, the defendant or defendants to the first bill shall answer thereto, before the defendant or defendants to the cross bill shall be compelled to answer such cross-bill.

39. After any bill filed, and before the cause shall be at issue, by replication as aforesaid, upon oath made by either party, that his or her witnesses are aged or infirm, or going out of the division, the clerk and master may issue commissions for taking the examination of such witnesses *de bene esse*.

40. If it shall appear to the court upon hearing of a cause, that issues of fact are necessary, they may direct the same, and that they shall be tried *instante*.

41. The court in their settings may regulate and controul all proceedings in the office, and for good cause shewn, may set aside any dismissions, and re-instate the suits on such terms as shall appear equitable.

42. For prevention of errors in entering up the decrees and orders of the court, the proceedings of

every day shall be drawn up at large by the clerk, *Rules of court,* in a bound book, to be called The Order Book, and read in open court the next day, (except those of the last day of each term, which shall be drawn up, read, and corrected the same day) and any necessary corrections made therein ; and they shall be signed by the judge or judges of the court present the preceeding day, when the said proceeding took place, and preserved among the records.

43. And for the more entire and better preservation of the records of the court, the clerk and master, shall, within twelve months from the passing of this act, record together, in a bound book or books, the proceedings in each cause which have been, or shall be finally determined, before the first day of January next. It shall be the duty of the said court, or a judge thereof, to examine, and certify the performance thereof, at the beginning or ending of such records; specifying the causes and number of pages ; and in case the said clerk and master shall fail to record the same within the time aforesaid, he shall forfeit his office, and it shall be the duty of the said court to appoint another fit and proper person as clerk and master.

44. And all proceedings in causes which may be finally determined after the said first day of January, shall be entered together, by the clerk and master, in a well bound book, to be called The Record Book, within six months from their determination, and it shall be the duty of the court, at the term next succeeding the one in which such causes were determined, or a judge in vacation, to examine the said records and certify the recording as aforesaid, and in case the clerk and master shall fail herein, it shall be the duty of the said court to displace him as aforesaid, and appoint another person.

45. The proceedings in each cause, to be recorded together, shall be the pleadings, consisting of bill, answers, pleas, demurrers, replications, issues of fact, verdicts thereon, and decrees, as the case may be

46. The clerk and master shall file and carefully

*Rules of
court.*

preserve in order, all papers belonging to his office, subject to the examination of the court; and shall keep a memorandum book, in which shall be noted every subpoena for witnesses, commissions *de bene esse*, or otherwise, the day they issued, and any other proceedings of the said clerk and master, not entered on his records, rule docket or minutes. And the said memorandum book shall be open for parties and their attorneys, to make such memorandums for the direction of the clerk, as may be necessary.

47 When actions of ejectment, or caveats, shall have been brought, and injunctions granted, such injunctions shall not be dissolved, but shall attend the final determination of the cause.

48. Instead of decreeing parties to convey lands as heretofore practised in equity, the said court shall have power by decrees, respecting titles, to divest thereby (without conveyance from the party) the property of the person or persons against whom a decree shall be made, under such conditions and limitations as may be therein expressed. *Provided always,* That copies of such decrees shall be recorded in the register's office of the county where the land lies, agreeably to the law in force respecting the registration of deeds, for which the register shall be allowed the same fee as for registering a conveyance; which fee shall be paid by the party for whose benefit such decree shall have been made.

*Rules respecting
real property.*

Sec. 49. And in order to procure uniform and permanent rules of decision, in the said court, respecting real property, *It is enacted,* That in all causes where the title of land shall come in question, it shall be the duty of said court, before a decree shall be pronounced, to give in open court, the reasons for such decree; and it shall be further the duty of the court pronouncing a decree as aforesaid, to enter in a Record Book to be kept by the clerk and master for that particular purpose, in as concise a manner as the nature of the case may admit of, the said reasons, and sign the same. It shall also be the duty of any dissenting judge, to enter and sign his reasons

as aforesaid; and the clerk and master, from time to time, is required to provide at public expence, such well bound book or books as may be necessary for that purpose, and the said clerk shall be allowed for the same in his settlement with the treasurer.

Sec. 50. *Be it enacted*, That in all causes in the said court, where the title of land shall come in question, two of the said judges at least shall concur in making a decree. *Two judges to make a decree.*

Sec. 51. *Be it enacted*, That the said court shall have power, and are hereby directed, to make from time to time, all further general or special rules and regulations, not inconsistent with the provisions of this act, as justice may require. *Court may make further rules.*

Sec. 52. *Be it enacted*, That for services required by this act, the clerk and master shall be allowed the same fees as heretofore; and as a full compensation for taking and preserving the rules established by this act, shall be allowed ten cents for each rule inserted on the rule docket, not exceeding for all the rules taken on such docket, in any one cause, the sum of one dollar. *Fees to the clerk and master.*

Sec. 53. And whereas upon bills of review in the said court, it may be thought reasonable, during the pendency of such bills, or until cause shall be shewn to the contrary, to stay proceedings on the decree which such bills are intended to review, *Proceedings on bill of review.* *Be it enacted*, That the said court, when a bill praying a review of the proceedings in which a decree shall have been pronounced, shall be presented, may upon such bill and the circumstances of the case as the same shall appear satisfactory, direct proceedings on such decree to be stayed, until a decree on the said bill of review shall be made, or until the further order of the said court; or the said court may refuse to grant a stay of proceedings in that case as shall seem right: *Provided*, that the said court may in either of the said cases, direct such security to be given, and in such place, as is usual in cases of injunction, or such other security as shall seem reasonable: *Provided*, that no bill of review shall be

brought, or a motion made therefor, except within three years from the time of pronouncing such decree; saving to inf.m.s, feme coverts, persons *non compos mentis*, imprisoned, or beyond seas, a right to move for a bill of review within three years after such disability shall have been removed.

Suits may be brought by assignee Sec. 54. *Be it enacted*, That suits may hereafter be brought both in courts of law and equity in the names of assignees of bonds with collateral conditions, bills or notes for specific articles, or the performance of any duty.

Plea of non est factum. Sec. 55. *Be it enacted*, That no plea of *non est factum*, either in law or equity, shall be received, unless on oath.

Private acts of assembly. Sec. 56. *Be it enacted*, That private acts of assembly may be given in evidence without pleading them specially either in law or equity.

Jury may take papers from bar. Sec. 57. *Be it enacted*, That papers read in evidence, either in law or equity, though not under seal, may be carried from the bar by the jury.

Non suits at law. Sec. 58. *Be it enacted*, That every person desirous of suffering a non suit on trial at law, shall be barred therefrom unless he do so before the jury retire from the bar.

New trials Sec. 59. *Be it enacted*, That not more than two new trials shall be granted to the same party in the same cause at law, or upon trial of an issue of fact in equity.

Declarati on in ejectment. Sec. 60. *Be it enacted*, That after issue joined in any ejectment on the title only, no exceptions of form or substance shall be taken to the declaration in any court whatsoever, and the verdict of the jury, and judgment of the court thereon, may be pleaded in bar to any ejectment brought afterwards by the same party, or any person claiming under him, her, or them, on the same title,

A scroll affixed at a Sec. 61. *Be it enacted*, That any instrument to which the person making the same, shall affix a scroll

By way of seal, shall be adjudged and holden to be of the same force and obligation, as if it were actually sealed.

Sec. 62. *Be it enacted*, That if in detinue, the verdict in
verdict shall omit price or value, the court may at *detinue.*
any time award a writ of enquiry to ascertain the
same. If on an issue, concerning several things in
one count in detinue, no verdict be found for part
of them, it shall not be error; but the plaintiff shall
be barred of his title to the things omitted.

Sec. 63. *Be it enacted*, That where there are se- *Damages*
veral counts, one of which is faulty, and entire da- *on several*
mages is given, the verdict shall be good; but the *counts.*
plaintiff may apply to the court to instruct the jury
to disregard such faulty count.

Sec. 64. *Be it enacted*, That a judgment on con- *Judgment*
fession at law, or filing an injunction in equity, shall *on confess*
be equal to a release of errors. *on at law.*

Sec. 65. *Be it enacted*, That the law of costs *Law of*
shall not be interpreted as penal laws. *costs.*

Sec. 66. *Be it enacted*, That in all actions of debt *Judgment*
which shall be brought upon any bond or bonds for *how to be*
the payment of money, or upon bonds with collate- *entered of*
ral conditions, wherein the plaintiff shall recover,
judgment shall be entered for the penalty of such
bond, to be discharged by the payment of the prin-
cipal and the interest due thereon, or the damages
assessed by the jury, and other costs of suit, and exe-
cution shall issue accordingly. Or if, before judg-
ment, the defendant shall bring into court the prin-
cipal and interest due on the bond, conditioned for
the payment of money, he shall be discharged, and
in that case judgment shall be entered for the costs
only. And in any action of debt on single bill or
in debt, or *scire facias* upon a judgment, or in debt
upon bond, if before action brought the defendant
hath paid the principal and interest due by the de-
feasance or condition, he may plead payment in
bar.

*Repealing
clause.*

Sec. 67. *Be it enacted, That all and every act or acts, and all parts of acts containing any thing within the purview of this act, shall be, and are hereby repealed.*

*Act when
in force.*

Sec. 68. *Be it enacted, That this act shall be in force from and after the passing thereof.*

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

PASSED—November 2d, 1801.

CHAP. VII.

An ACT to define the jurisdiction of justices of the peace, and for other purposes therein mentioned.

Preamble.

WHEREAS it appears to this General Assembly that many inconveniencies arise to the citizens of this State, in the distribution of justice, under the law passed at Knoxville, on the twenty third day of October, one thousand seven hundred and ninety nine, entitled, "*An act to increase the jurisdiction of justices of the peace.—For remedy whereof*

*Jurisdic-
tion of a
justice of
the peace.*

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee, That all debts and demands of fifty dollars and under, where the balance is due on any contract, specialty, note, or agreement, or for goods, wares, and merchandize sold and delivered, or for work or labor done, or for specific articles, whether due by obligation, note or assump-
fit, are hereby declared to be cognizable and determinable by any one justice of the peace out of court, and judgment may be given and execution awarded accordingly; subject, nevertheless, to appeal of*

either party, to be tried in the county court, by a jury as in other cases: *Provided always*. That judgment given by a justice of the peace, execution shall be stayed in the following manner, to wit: *Stay of execution.*

For all sums of five dollars, or under, twenty days.

For all sums over five dollars, and not exceeding ten dollars, thirty days.

For all sums over ten dollars, and not exceeding twenty dollars, sixty days.

And for all sums over twenty dollars, and under thirty five dollars, ninety days.

And for all sums over thirty five dollars, and not exceeding fifty dollars, one hundred and twenty days.

For the full and true performance of which, with legal costs and interest till paid, the party requiring such stay of execution, shall give sufficient security, if required by the adverse party. And if the judgment shall not be discharged at the time the stay of execution has expired, then it shall and may be lawful for any justice of the peace of the county, having such judgment in his possession, to issue execution against the principal and his securities, without any intermediate process.

Sec. 2. *Be it enacted*, That in all cases where any legal officer, or person deputed by the justice of the peace, executing any process for any debt or demand, the person executing the same, shall take a bail bond, if required by the plaintiff, which requisition shall be stated on the warrant, with sufficient security for his, her, or their appearance before a justice of the peace, living nearest to the plaintiff's place of abode, or where he usually resides, within the jurisdiction of the justice: *Provided* he is unconnected with the parties by blood or marriage; in that case the next nearest justice: And if the person so bound shall fail to attend, the justice of the peace may proceed to try the cause, award judgment, and issue execution against the principal and securities, for debt and costs; and if the defendant will not give security, if required by the plaintiff, it shall be the duty of the constable, or person serving the *Bonds to be taken to appear.*

Provide.

warrant, to bring him forthwith to trial, or commit him to the goal of his county, by order of any justice of the peace, there to remain until trial can be had, which shall take place as early as practicable: *Provided*, That in all cases, where either plaintiff or defendant shall fail to attend on the first notice, the justice shall postpone the trial, and direct the constable to notify the absentee to attend on such day as the justice may think proper to appoint; upon which day the said justice shall, at the request of the parties, or either of them (as the case may be) proceed to try said suit, and award judgment according to law and evidence, reserving to the absent party on the first citation, the right of filing his reasons, on oath, for such failure, and if they shall be deemed valid by the justice, the said absentee shall not be taxed with costs, but if otherwise, shall be liable to pay cost to the officer equal to the fee for serving a warrant.

Justices' fees.

Sec. 3. *Be it enacted*, That from and after the passing of this act, the justices of the peace in the several counties in this state, shall receive for granting attachment, and taking a bail bond, seventy five cents, and sixty six cents for taking and enclosing and returning affidavits or depositions, when appointed for that purpose, and no other fees whatever.

Writs of certiorari.

S-c. 4. *Be it enacted*, That where any person in future shall make application for a writ of *certiorari* and *supercedas*, to remove the proceedings of a justice of the peace, in any cause which has been determined, the party petitioning for such writ, shall state his reasons upon oath, within twenty days after the date of the judgment, before any two justices of the peace; and if on examination, such reasons should be sufficient, the said justices, shall direct the clerk of their county court to issue writs accordingly; and the said clerk, upon issuing such writ, shall direct the justice of the peace, by whom the judgment was granted, to enclose all the papers relative to said suit, under hand and seal, and transmit the same to his office on the first day of the court next succeeding; and the said clerk shall also issue a writ

of *Superior* in all necessary cases, which shall be directed to the officer in whose hands the execution may be, and the same shall be an effectual bar against all future proceedings by him thereon, and it shall be the duty of the said officer, in all cases, to notify the plaintiff of such proceeding, to the end that he may avail himself of the advantage of making his defence on the aforesaid first day of the next succeeding court.

Sec. 5. *Be it enacted*, That the constable or other officer shall be entitled to the following fees, viz. *Fees to constable*

For executing a warrant fifty cents.

For every summons, twenty five cents.

For every execution or attachment, fifty cents.

For commission on all sales by execution or otherwise, six per cent.

For whipping any person by order of court, or by order of any justice of the peace, thirty three cents.

For every bail bond, twelve and an half cents.

And in case any constable, or other legal officer, fail or refuse to render the monies on executions put into his hands, within thirty days after the expiration of the stay, or twenty days, if no stay of execution is granted, unless by his return it shall appear no property can be found to satisfy the debt and costs, it shall and may be lawful for the person aggrieved in the premises, or his attorney, to move for judgment against the officer herein offending, and his securities, at the next county court wherein the delinquency happens. And it shall be the duty of the said court, if on investigation, it shall appear to the court the constable or other legal officer so offending, is guilty of neglect in rendering the monies as aforesaid, to order out execution against the delinquent officer and his securities, for the debt and costs complained of. *Penalty on constable.*

Sec. 6. *Be it enacted*, That all laws and parts of *Repealing* laws, which come within the purview and meaning clause.

of this act, are hereby repealed and made void, any thing to the contrary notwithstanding.

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

PASSED—November 6, 1801.

CHAP. VIII.

An ACT to amend an act, entitled, "An act ascertaining what property in this state shall be deemed taxable, and the mode of collecting, accounting for, and paying public taxes."

*Receivers
of taxable
property.*

SECTION 1. **B**E it enacted by the General Assembly of the state of Tennessee, That so much of the third section of the above recited act, as directs the court in each county, after the first day of January in each and every year, to appoint a justice of the peace for each captain's district, in the different counties, to receive lists of taxable property, for the then present year, is hereby repealed, except for the ensuing year; and that at the last court in the year one thousand eight hundred and two, and in every succeeding year thereafter, in each and every county, the said courts shall appoint a justice of the peace for each captain's district in the different counties, to receive lists of taxable property and polls for the the succeeding year; and if any justice of the peace so appointed to receive lists of taxable property and polls as by law directed, shall fail or neglect to take such lists, and make return to the clerk of their county as required, such justice so failing or neglecting, shall be fined at the discretion of the court, not exceeding fifty dollars, unless sufficient cause be shewn for such failure, to be adjudged of by the court. And should either of the clerks fail to fur-

with the Sheriff of their county with a true list of the taxable property made to him as required, said clerk so failing, shall be fined at the discretion of the court, not exceeding fifty dollars, unless sufficient cause be shown as aforesaid.

Sec. 2. *Be it enacted*, That all lands hereafter executed within this State for taxes, shall be advertised twice in the gazette of the district wherein the lands lie, and once in the gazette at Knoxville, for which the printers shall be allowed the sum of seventy-five cents for each publication: *Provided nevertheless*, That nothing herein contained shall be so construed as to authorize the Sheriff or Sheriffs of the district of Mero and Washington to publish the lands of citizens of said districts in the gazette at Knoxville.

Repealing clause.

Sec. 3. *Be it enacted*, That so much of the ninth section of the above recited act, as imposes a fine of fifty dollars for not returning lists of their taxable property and polls is hereby repealed. And all fines imposed by virtue of this act, shall be applied to the use of the county wherein the same may be.

Sec. 4. *Be it enacted*. That if any tract or parcel of land shall be sold by the Sheriff for taxes, it shall be in the power of the owner or owners of said land, by paying to the Sheriff the aforesaid taxes and costs, together with one hundred per cent. on the same, any time within twelve months from and after such sale; and the Sheriff shall make no conveyance of any lands by him so sold, until the expiration of twelve months from and after such sale as aforesaid, and it shall be the duty of the Sheriff to return the money so received to the original purchaser, together with the fifty per cent.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 14th, 1801.

CHAP. IX.

An ACT respecting the ninth and twenty fourth sections of an act, entitled, "An act altering the rating w. at property in this state both by deemed taxable, and the mode of collecting, accounting for, and paying public taxes, passed October the twenty fifth, one thousand seven hundred and ninety seven.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That all persons who have incurred the fine and double tax under the act above recited, by not returning their taxable property and polls either by themselves, their agents, attornies, or managers, where judgment has not been entered up and execution ordered by the court, shall be released from the said fine or fines: Provided, they return a true list of all such lands, polls, and property as described by the above recited act, unto the clerk of each and every county court, at the second court in each county after the first day of January next, and pay the single tax, together with all costs and charges accruing thereon, for their non performance as aforesaid, unto the sheriff or collector of each and every county, within ten days after the lists were returned to the clerk as aforesaid, which monies, when collected, shall be accounted for in the same manner that other public taxes are.*

Sec. 2. Be it enacted, That so much of the twenty fourth section of the said act as comes within the purview and meaning of this act, shall be, and the same is hereby repealed and made void, any law to the contrary notwithstanding.

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

Passed—October 29, 1806

CHAP. X.

An ACT authorizing the county courts of pleas and quarter sessions in particular cases to appoint collectors of public and other taxes.

SECTION 1 *BE it enacted by the General Assembly of the state of Tennessee. That* Tax col-
where any sheriff hath failed or lectors to
refused to give bond and security as required by be appoin
law, for the collection of taxes, that the court of ed.
the county where such failure or refusal hath taken
place, shall elect a collector of public and other
taxes, which collector, when so appointed and ac-
cepting, shall be entitled to the same perquisites,
have the same powers, and be subject to the same
rules, regulations, penalties, and forfeitures as col-
lectors under the existing laws.

Sec. 2 *Be it enacted, That all collectors ap*
pointed under the authority of this act, shall have Time giv-
nine months from the time of their appointments en to col
to complete their respective collections, and make lect.
final settlement and payment of the monies which
by law they shall be respectively authorized to col-
lect.

Sec. 3. *Be it enacted, That this act shall be in*
force from and after the passing thereof.

Act when
in force.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED - October 17th, 1821.

CHAP. XI.

An ACT to compel plaintiffs who commence, and tenants against whom ejectments may issue, to give bail.

Preamble. **WHEREAS** it frequently happens that persons who have no title to lands take possession thereof, and when declarations in ejectment are served on them, either fail to come into court and make themselves defendants, or after having made themselves defendants, move away before a recovery is had, and thereby compel the persons who have instituted suits to pay the costs thereof, although they recover possession of their land :

*Suits in
ejectment
how to be
brought &*

Section 1. *BE it enacted by the General Assembly of the State of Tennessee,* That from and after the passing of this act, when any person or persons wish to institute an action of ejectment, it shall and may be lawful for such person or persons to draw a declaration in ejectment as heretofore practised in this State, and upon his or their producing the said declaration to the clerk of the court in which he or they intend to institute suit, and giving to the said clerk such bond and security for prosecuting said suit as persons instituting other suits are by law required to give, it shall be a duty of the said clerk to issue a writ directed to the sheriff of the county in which the land sued for lies, commanding him to take the person who is tenant in possession of the said land, and have him at the then next sitting of the court in which the said suit is commenced, to answer the plaintiff, to wit: the nominal lessee of a plea wherefore with force and arms, he broke and entered the close of the said plaintiff and ejected him to his damage five hundred dollars.

*Defendant
in ejectment
to give bail.*

Sec 2. *Be it enacted,* That the sheriff to whom the said writ is directed, upon receiving the same, and also the declaration in ejectment, shall serve the said declaration in ejectment on the tenant in pos-

possession as heretofore, and shall also at the same time serve the said writ, and take a bail bond with securities in the sum mentioned in the said writ, which bond shall be by him assigned to the lessor of the plaintiff.

Sec. 3. *Be it enacted*, That the said tenant, against whom the said writ issued, shall be liable and bound to pay; and judgment shall be given against him for the costs and damages which may accrue or be recovered on such suit, whether the possession is recovered by default or by trial of the cause, and that execution may issue for such costs and damages. *Tenants bound for costs.*

Sec. 4. *Be it enacted*, That the bail so taken by the sheriff, shall be held and taken as special bail, and shall be proceeded against in the same manner as bail in other actions, and shall be compelled to pay all such costs and damages as may accrue or be recovered on the suit, whether the recovery is had against the person for whom they were bail, by default or by a trial of the cause: Provided nevertheless, That the said bail shall have the same mode of exonerating themselves as bail in other actions. *Special bail.*

Sec. 5. *Be it enacted*, That in no instance shall any person be admitted a defendant, unless he enter into the common rule, and at the same time give security for the costs; and if the landlord of the tenant in possession, wish to become defendant, he shall also enter into the common rule, and give security as aforesaid, and the tenant and his securities thereby shall be exonerated from the bail bond given by them to the sheriff at the time of the service of the writ. *Persons wishing to become defendants to give bail.*

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

PASSED—November 10, 1801.

CHAP. XII.

An ACT directing the duty of sheriffs in certain cases.

Sheriff to give bond.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That when any person is or may be appointed as sheriff in and for any county, such person shall immediately enter into bond, with sufficient security, payable to the governor for the time being, in such penalty as the county court shall direct, conditioned for the collection and payment of all public and county taxes that may become due, during the time for which such person shall be so appointed; and upon such person failing to give bond and security as aforesaid, the said office shall be considered as vacant, and the said court shall immediately proceed to appoint such other proper and fit person to fill such office as will comply with the above requisitions, any law, usage, or custom to the contrary notwithstanding. And the sheriff shall be allowed in the settlement of his accounts at the rate of six dollars on every hundred dollars of public and county taxes by him lawfully accounted for.

Service of facias. **Sec. 2.** **B**E it enacted, That in writs of *scire facias*, it shall not be necessary to insert that the same shall be made known before good and lawful men; and the reading or making known the contents of such writ to the person on whom to be executed, by the proper officer, shall be deemed a sufficient execution thereof.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 14, 1801.

CHAP. XIII.

An ACT to amend the law relative to the levying of executions, and the service of certain other process.

BE it enacted by the General Assembly of the State of Tennessee, That Bond to be taken for on real or personal property, if the debtor shall give sufficient security to the officer to have the goods and chattels forth coming at the day and place of sale, it shall be the duty of the officer to take a bond payable to the creditor, for double the amount of the sum in the execution, reciting the service of the execution and the amount of the money due thereon, conditioned for the true performance of the same, and if such debtor fail to deliver the same property agreeably to the condition of the said bond, or pay the money due thereon, the officer shall proceed immediately to execute so much of the property of the debtor as will be sufficient to satisfy the execution with costs, if to be found in his bailiwick, if property is not to be found sufficient to satisfy the execution belonging to the principal, then the officer shall proceed and levy the execution on the property of the security sufficient to satisfy the balance due on the execution, and make sale of the same agreeably to the rules and restrictions as heretofore is prescribed by law in similar cases.

Sec. 2. *Be it enacted*, That it shall be the duty of the several courts of pleas and quarter sessions, at the next court after the first day of January next, and as often after as may be found necessary, proceed to appoint one or more judicious freeholders in the bounds of each militia company of infantry, in their respective counties, for the purpose of valuing all property both real and personal, as shall hereafter be directed by this act, and before they proceed to

their duty, shall take the following oath or affirmation (as the case may be) to wit :

Oath.

I, A. B. do solemnly swear (or affirm) that I will well and truly value all the property committed to my trust agreeably to my appointment, without favour, affection, partiality or prejudice, to the best of my skill and ability, SO HELP ME GOD.

*Duty of
Sheriff &c.
Summoning
valuers, &c.*

Sec 3 *Be it enacted, That any sheriff or other officer, that may levy an execution on any property, he shall, at the request of the creditor or debtor, or either of their agents or attornies, at least five days before the day of sale, summon three valuers to be appointed by this act, to attend at the day and place of such sale, and the aforesaid sheriff or other officer, for summoning each freeholder as a valuer, shall receive and be allowed twenty five cents, and such freeholder, while in service as a valuer, shall be allowed for each day fifty cents, to be paid by the defendant. & the valuer so notified, shall not be related by affinity or consanguinity, if they or any one of them fail to appear at the time and place appointed, the parties, or in case they cannot agree, the officer may appoint other discreet freeholders of the by standers, to fill such vacancy, who shall take the same oath as directed by this act, which oath the officer is empowered to administer; and the valuers being compleat as aforesaid, shall proceed to value the property then under execution, and shall return to the officer a schedule of the amount of the property; and the officer shall proceed to sell the same. If the property, or any lot of the property, will not sell for two thirds of the valuation in ready money, it shall be lawful and optional with and for the creditor to take the same, or as much thereof as will be sufficient to satisfy the execution, or what balance there may remain due thereon, at two thirds of the valuation as aforesaid. If the creditor refuse to take the property, and the debtor will give sufficient security to stay the execution, the officer shall proceed to take a bond for the amount of the sum that remains due on the execution, with interest till paid, payable to the creditor, in twelve months, which*

bond shall be under hand and seal of the debtor and his security; and on default, or neglect, or refusal to give bond as required, his goods and chattels, lands and tenements shall be exposed to sale, at the request of the creditor, or so much thereof as will be sufficient to satisfy the same without delay.

Sec. 4. *Be it enacted*, That nothing herein contained shall be construed to extend where the contracts may be made payable in money in the first instance. This act is provided altogether for debts and damages where the contracts may be payable and to be discharged in property only. *Explanatory clause*

Sec. 5. *Be it enacted*, That this law shall not be construed as to affect or operate upon any contract or debt entered into, or judgment obtained previous to the passage thereof, any law, usage or custom to the contrary notwithstanding.

Sec. 6. *Be it enacted*, That this act shall be in force from and after the first day of January next.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 10, 1831.

CHAP. XIV.

An ACT to amend that part of the second section of an act making provision for mistakes in surveys of land, as requires a majority of the acting justices to be present when the relief is granted.

BE it enacted by the General Assembly of the state of Tennessee, That from and after the passing of this act, it shall and may be lawful for a majority, or any number not less than

five of the acting judges in any county in this state, when in session, to grant relief to any person, or or persons, bodies politic or corporate, agreeably to the above recited act, when thereto required.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. XV.

An ACT to empower securities to recover damages in a summary way.

*Securities
may obtain
judgment,
&c.*

SECTION 1. **B**E it enacted by the General Assembly of the state of Tennessee, That in all cases where judgment hath been or shall hereafter be entered up before any judicature within this state against any person or persons as security or securities, their heirs, executors, or administrators, upon any note, bill, bond, or obligation, and the amount of such judgment, or any part thereof hath been paid or discharged by such security or securities, his, her, or their heirs, executors or administrators, it shall and may be lawful for such security or securities, his, her, or their executors or administrators to obtain judgment by motion against such principal obligor or obligors, his, her or their heirs, executors, or administrators, for the full amount of what shall have been paid by the security or securities, his, her, or their heirs, executors, or administrators, in any court, or before any judicature where judgment may have been entered up against such security or securities, his, her, or their heirs, executors, or administrators, or within any other court or judicature in this state, upon the pro-

duction of a copy of the record or judgment legally authenticated.

Sec. 2. *Be it enacted*, That where the principal *Joint security* obligor or obligors have, or shall hereafter become *rities how* insolvent, & there have been, or shall be two or more *to proceed* securities jointly bound with said obligor or obligors, in any bill, bond, note, or other obligation, for the payment of money or other thing, and judgment hath been or hereafter shall be obtained against one or more of such securities, it shall and may be lawful for the court or judicature before whom such judgment was or shall be obtained, upon motion of the party or parties against whom judgment hath been entered up as security as aforesaid to grant judgment and award execution against all and every of the obligors and their legal representatives for their and each of their respective shares and proportions of the said debt.

Sec. 3. *Be it enacted*, That no security or security *Securities* his, her, or their executors or administrators, *shall not* shall be suffered to confess judgment, or suffer judgment *confess* to go by default, so as to distress his, her, or *judgment* their principal or principals, if such principal or principals will enter him, her, or themselves a defendant or defendants to the suit, and tender to the security or securities his, her their executors or administrators, other good and sufficient collateral security to be approved of by the court or judicature before whom the suit shall be depending.

Sec. 4. *Be it enacted*, That in all cases where *When bail* judgment hath been or shall hereafter be entered up *bath satis* before any judicature in this state against any person as bail for the appearance of another to defend *ted judgment, execution* any suit depending in such court or judicature, and *ention may* the amount of such judgment, or any part thereof, *issue against* hath been paid or discharged by such bail, his, her, *principal* or their heirs, executors or administrators, it shall and may be lawful for such bail, his, her or their heirs, executors and administrators, to obtain judgment by motion against the person or persons for whose appearance they were bound, his, her, or their heirs, executors, or administrators, for the full

amount of what shall have been paid by the said bail his, her, or their heirs, executors, or administrators in any court, or before any judicature where judgment may have been entered up against such bail, or within any other court or judicature in this State, upon the production of a copy of the record legally authenticated.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 10, 1801.

CHAP. XVI.

An ACT to repeal that part of the law which compels the owners of ferries to take out tavern licence.

BE it enacted by the General Assembly of the State of Tennessee, That so much of an act of the governor, council and assembly of the province of North Carolina, now in force and use in this State as compels all owners or keepers of ferries to take out tavern license, and to furnish travellers with entertainment, passed in the year one thousand seven hundred and sixty seven, is hereby repealed and made void, any law to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29th, 1801.

CHAP. XVII.

An ACT authorizing the several courts to remove their clerks for misbehaviour in office.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That if any clerk of a court of record shall hereafter willingly, wittingly, or corruptly do any act or thing contrary to the duties of his office as prescribed by law, or in like manner omit or refuse to perform any services or duties required of him by any act or acts of the general assembly, he shall be deemed guilty of a misbehaviour in office, and on conviction thereof, by indictment, the court of which he is clerk shall have full power and authority to remove him from office, and elect another in his stead : But nothing herein contained shall be construed to prevent any clerk from appealing to the superior court of his district as in other cases.

Court may remove their clerk.

Sec. 2. *Be it enacted,* That immediately upon a bill being found against any clerk, the court may continue or suspend him as may to them appear consistent : And should the court suspend such clerk, they shall appoint a clerk *pro tempore*, until a final decision can be had, who shall be entitled to the fees arising from said office during his continuance therein. And if upon trial of the issue of traverse the fact or facts should not be supported, the court shall reinstate such clerk so suspended ; but should the charge be supported, and be of the magnitude and description mentioned in the first section of this act, the court shall have power to remove such clerk and to appoint another : *Provided*, a majority of the acting justices be present.

Court may appoint a clerk pro tempore.

Sec 3. *Be it enacted,* That so much of an act, entitled, " An act to direct the manner in which the several clerks and masters in equity, of the superior courts of law, clerks of the county courts, and the register of each and every county shall settle with the treasurer of their respective districts for the pub-

Repealing clause.

lic taxes by them collected," as expresses that the clerks therein named may be impeached for failing to pay the public taxes in manner therein prescribed, is hereby repealed, and every other part of said act shall continue in full force.

*Court to
take pos-
session of
clerk's pa-
pers.*

Sec. 4. *Be it enacted*, That upon the suspension or removal from office of any clerk, the court shall have power and authority to call for and demand of said clerk all records, papers, and documents of what kind soever belonging to his said office. And in case the said clerk should fail or refuse to deliver the said records, papers, or documents when thereto required and demanded, he shall forfeit and pay the sum of five thousand dollars, to be recovered by action of debt, before any jurisdiction having cognizance thereof.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. XVII

An ACT concerning debtors and their securities.

Preamble.

WHEREAS in many instances creditors have delayed to commence actions on bonds, covenants, bills, or promissory notes executed for money or specific articles, until the principal debtor or debtors of such creditors either becoming insolvent or migrating from the state, the innocent securities of such debtor or debtors have been ultimately compelled to discharge the amount of the money or specific articles due by such bond, covenant, bill, or promissory note, without the possibility of being afterwards reimbursed

*By such principal debtor or debtors—For remedy
whereof*

Section 1. *BE it enacted by the General Assembly of the State of Tennessee.* That when any person or persons shall hereafter become bound as security or securities, by bond, bill, covenant, or note, for the payment of money or specific articles, and shall apprehend that his or their principal debtor or debtors is or are likely to become insolvent, or migrate from the state without previously discharging such bond, covenant, bill, or note, so that it will be impossible or extremely difficult for such security or securities, after being compelled to pay the amount which may be due by such bonds, covenants, bills, or notes to recover the same back from such principal debtor or debtors, it shall and may be lawful for such security or securities in every such case, provided such bond, covenant bill or note shall have been due and payable, to require by notice in writing, of his or their creditor or creditors, forthwith to put the bond, covenant, bill or note, by which he or they may be bound as security or securities as aforesaid, in suit; and unless the creditor or creditors so required to put such bond, covenant, bill or note in suit, shall within thirty days thereafter commence an action on such bond, covenant, bill, or note, and proceed with due diligence in the ordinary course of law to recover a judgment for, and by execution to make the amount due by such bond, covenant, bill or note, the creditor or creditors so failing to comply with the requisitions of such security or securities, shall thereby forfeit the right which he or they would otherwise have to demand and receive of such security or securities, the amount due by such bond, covenant, bill, or note.

*Security
to bond,
etc may
compel cred-
itors to
bring suit.*

Sec. 2. *Be it enacted,* That any security or securities, or in case of his or their death, then his or their executors or administrators may in like manner, and for the same cause, make such requisition of the creditor or creditors of such security or securities, or of the executors or administrators of such cre-

*Duty of
executors,
etc.*

or or creditors, as it is herein before enacted, may be made by a security or securities of his or their creditor or creditors and in case of the failure of the creditor or creditors, or their executors or administrators, so to proceed, such requisition as aforesaid being duly made, the security or securities, his or their executors or administrators making the same, shall have the same relief that is herein before provided for a security or securities when his or their creditor or creditors, or the executors or administrators of such creditor or creditors shall be guilty of a similar failure.

*Assignors
of bonds.*

Sec. 3 *Be it enacted*, That it shall be lawful for the assignor or assignors of such bonds, covenants, bills, and notes as aforesaid, his, her, or their executors or administrators, whenever he or they may apprehend that the original drawer or drawers of such instruments of writing as aforesaid, are likely to become insolvent, or migrate and leave the state, to require by notice in writing as aforesaid, the assignee or assignees, his, her, or their executors or administrators, forthwith to put such bond, covenant, bill, or note as aforesaid, in suit against the drawer or drawers, provided the same shall be due and payable; and unless the assignee or assignees, his, her, or their executors or administrators, so required to put such bond, covenant, bill, or note in suit, shall, within thirty days after such notice as aforesaid, commence an action thereon, and proceed as securities are directed in the first section of this act, against their principal, the assignee or assignees of such instruments of writing as aforesaid, shall thereby forfeit the right which he or they would otherwise have to demand and receive of such assignor or assignors the amount which may be due by such bond, covenant, bill or note.

*This act
to be given
in evidence*

Sec. 4 *Be it enacted*, That where actions are brought against securities or assignees as aforesaid, contrary to the true intent and meaning of this act, he, she, or they may give this act in evidence. *Provided*, he or they prove in open court by two wit-

nesses a copy of the notice aforesaid to have been served on the person or persons bringing such actions.

Sec. 5 *Be it enacted*, That nothing in this act *Guardians* contained shall be construed as to effect bonds *Be not to* which may be entered into by guardians, executors, *be affected.* administrators or public officers.

Sec. 6. *Be it enacted*, That the rights and reme. *Rights of* dies of any creditor or creditors against any princi *creditors* pal debtor or debtors shall be in no wise affected by *Preserved.* this act.

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

PASSED—November 10, 1801.

CHAP. XIX.

An ACT making judgment bonds lawful, and directing the mode of proceeding thereon.

SECTION 1. **B**E *it enacted by the General Assembly* of the State of Tennessee, That from and after the passing of this act, if any person or persons shall enter into bond to secure the payment of any sum or sums of money, and therein authorise any person to confess judgment in any court of record, or before any justice of the peace having jurisdiction thereof, it shall and may be lawful for such court or justice, on motion, and due proof of the bond made, to enter up judgment in favor of the creditor or creditors, at any time after the bond becomes due, and issue execution accordingly: *Provided always*, That no such judgment shall be entered up, unless it shall appear to such court or justice that a notice of the intenti-

on of the creditor to make such motion at a particular day and place therein mentioned, has been served on the debtor or debtors, or left at his, her, or their usual place of abode by some sworn officer, at least ten days previous to the making of such motion.

*Who shall
serve no-
tices.*

Sec. 2. *Be it enacted*, That it shall be the duty of the sheriff, constable, or other legal officer, as the case may be, to serve a copy of the said notice, and make due return thereof; and he shall be liable to the same penalties for neglect or failure, and have the same fees for executing and returning the same, as in case of subpoenas for witnesses.

*Stay of
execution.*

Sec. 3. *Be it enacted*, That if the defendant or defendants shall appear pursuant to the notice, or on any day during the same session of the court, and tender sufficient security for the payment of the principal sum due, with interest therein till paid, and the costs, the court shall cause the same to be entered on record, and thereupon execution shall be stayed as follows:

For all sums over fifty dollars, and not exceeding one hundred dollars, three months.

Over one hundred, and not exceeding two hundred dollars, six months.

Over two hundred and not exceeding four hundred dollars, nine months.

And for all sums over four hundred dollars, twelve months.

And after the expiration of the time limited for the stay as aforesaid, then execution may issue against the defendant and his securities, or either of them, for the principal sum due, and interest and costs as in other similar cases.

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

PASSED—November 10th, 1801.

CHAP. XX.

An ACT for the relief of such persons as have suffered, or may suffer, by their grants, deeds, or mesne conveyances not being proved or registered within this state.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee, That* if any person has suffered, or may suffer, by their grants, deeds, or mesne conveyances not being proved and registered within this state, it shall and may be lawful for such person or persons to prove and register, his, her, or their grants, deeds or mesne conveyances

Sec. 2 Be it enacted, That this act shall be in force until the end of the next stated session of the General Assembly.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 6, 1801.

CHAP. XXI.

An ACT to amend an act, entitled, An act to ascertain the boundaries of land, and for perpetuating testimony.

BE it enacted by the General Assembly of the State of Tennessee. That all the privileges, benefits, and advantages arising under, or accruing to others, by virtue of an act, entitled, "An act to ascertain the boundaries of land, and

for perpetuating testimony, passed at Knoxville in the year one thousand seven hundred and ninety-nine, shall extend to the citizens resident south of French Broad and Holston, and between the rivers Big Pigeon and Tennessee, holding or claiming, or that may hold or claim land by right of occupancy, so far as may respect their rights to, or the conditional or boundary lines of their respective claims or rights of occupancy and pre-emption in that tract of country, any thing in the proviso to the fourth section of said recited act to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 6, 1801.

CHAP. XXII.

An ACT for the restraint of idle and disorderly persons.

WHEREAS it becomes necessary for the welfare of the community, to suppress wandering, disorderly and idle persons.

Vagrants how to be dealt with

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That any person or persons who have no apparent means of subsistence, or neglect applying themselves to some honest calling for the support of themselves and families, every person so offending, who shall be found sauntering about neglecting his business, and endeavoring to maintain himself by gaming or other undue means, it shall and may be lawful for any justice of the peace of the county wherein such person may be found, on due proof made, to issue his warrant for such offending

person, and cause him to be brought before said justice, who is hereby empowered on conviction, to demand security for his good behaviour, and in case of refusal or neglect, to commit him to the goal of the county for any term not exceeding five days, at the expiration of which time he shall be set at liberty if nothing criminal appears against him, the said offender paying all charges arising from such imprisonment; and if such person shall be guilty of the like offence from and after the space of thirty days, he, so offending, shall be deemed a vagrant, and be subject to one month's imprisonment, with all costs accruing thereon, which if he neglects or refuses to pay, he may be continued in prison until the next court of the county, who may proceed to try the said offender, and if found guilty by a verdict of a jury of good and lawful men, said court may proceed to hire the offender for any space of time not exceeding six months, to make satisfaction for all costs, but if such person or persons so offending, be of ill fame, so that he or they cannot be hired for the costs, nor give sufficient security for the same and his future good behaviour, in that case it shall and may be lawful for the said court to cause the offender to receive not exceeding thirty nine lashes, on his bare back, after which he shall be set at liberty, and the costs arising thereon shall become a county charge; which punishment may be inflicted as often as the person may be guilty, allowing thirty days between the punishment and the offence.

Sec. 2. *Be it enacted*, That it shall not be lawful *Persons to* for any person or persons of ill fame or suspicious *obtain a* character, to remove him or themselves from one *certificate* county to another in this state, without first obtain *of behavior* ing a certificate from some justice of the peace of said county or captain of his company, setting forth his intention in removing, whether to settle in said county, or if travelling, to set forth his business and destination, and if such traveller should be desirous to stay in any county longer than ten days, he shall first apply to some justice of said county for leave, and obtain a certificate for that purpose, setting forth the time of his permission, and if such person

shall be found loitering in said county after the expiration of his permit, or fail to obtain the same agreeable to the true intent and meaning of this act, such person or persons so offending, may be apprehended by any person or persons, and carried before some justice of the peace, who may enquire into his character and business; and fine him at his discretion, not exceeding ten dollars; but if said traveller shall be found on examination, to be a person of ill fame, and there is reason to suspect he is loitering in said county for evil purpose, attempting to acquire a living by gambling, or other bad practices, such justice shall have power to commit any person of like character, until he shall find good and sufficient security for his good behaviour, for any time not exceeding ten days, and said justice of the peace or court of the county, shall proceed against such offender, in the same manner as is heretofore prescribed for vagrants.

*Keepers of
A B, and
other gam-
ing tables
deemed va-
grants.*

Sec. 3. *Be it enacted*, That all and every keeper or keepers, exhibitor or exhibitors, of either of the gaming tables commonly called A, B, C, or E, O, tables, or faro bank, or of any other gaming cloth table, or bank of the same, or like kind, under any denomination whatever, shall be deemed and treated as a vagrant, and moreover it shall be the duty of any judge or justice of the peace, by warrant under his hand, to order such gaming table or cloth to be seized and publicly burned or destroyed; said warrant shall be directed to some one constable within the county, whose duty it shall be, forthwith to execute the same: *Provided*, That nothing herein contained, shall be so construed as to extend to billiard tables.

*Housekeep-
ers shall
not harbor
idle persons*

Sec. 4. *Be it enacted*, That it shall not be lawful for any house keeper to harbor any idle person of the character aforesaid, for any longer time than is heretofore specified, under the penalty of twenty dollars for every such offence, to be recovered by warrant before any justice of the peace of the county where the offence is committed.

*Duty of
justices of
the peace.*

Sec. 5. *Be it enacted*, That it shall be the duty

of each justice of the peace, on information being made on oath to him or them, that there is a person or persons of the aforesaid description, loitering in his or their county, then and in that case he or they shall issue his or their warrant against such person or persons agreeable to this act: *And provided*, he or they shall neglect or refuse so to do, it shall be deemed a misdemeanor in office, for which he or they shall be impeachable, and on conviction be removed from office.

Sec. 6. *Be it enacted*, That if any person or persons shall publicly ride or go armed to the terror of *lawfully* the people, or privately carry any dirk, large knife, *armed*, pistol or any other dangerous weapon, to the fear or terror of any person, it shall be the duty of any judge or justice, on his own view, or upon the information of any other person on oath, to bind such person or persons to their good behaviour, and if he or they fail to find securities, commit him or them to goal, and if such person or persons shall continue so to offend, he or they shall not only forfeit their recognizance, but be liable to an indictment, and be punished as for a breach of the peace, or riot at common law.

Sec. 7. *Be it enacted*, That if any person or persons *Maiming* shall unlawfully cut out or disable the tongue, put out an eye, slit a nose, bite or cut off a nose, ear or lip, or cut off or disable any limb or member, or stab any person whatsoever, in doing so, to maim, wound or disfigure in any of the manners before mentioned, such person or persons so offending, their counsellors, aiders and abettors, knowing of, and privy to the offence, shall be and are hereby declared to be felons, and shall suffer as in case of felony: *Provided nevertheless*, he or they shall be entitled to benefit of clergy, and be further liable to an action of damages to the party injured.

Sec. 8. *Be it enacted*, That all fines inflicted by this act, shall be one half to him that will sue for the same, and the other half to the use of the county, *Fines appropriated*

*Repealing
clause.*

Sec. 9. *Be it enacted*, That all laws and parts of laws which come within the meaning and purview of this act, are hereby repealed.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. XXII.

An ACT to authorize the several county courts of pleas and quarter sessions to remit and mitigate fines and forfeitures on recognizances as therein mentioned.

*Fines may
be remitted.*

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the several courts of pleas and quarter sessions in this State, shall have power to remit or mitigate all fines by them inflicted; and all forfeitures on recognizances, previous to entering final judgment thereon: *Provided*, a majority, or any number not less than nine of the justices of said county be present when such remittance or mitigation shall be made.

*Repealing
clause.*

Sec. 2. *Be it enacted*, That so much of any other act as comes within the purview and meaning of this act is hereby repealed.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 12th, 1801.

CHAP. XXIV.

An ACT concerning administrations granted on the estates of persons dying intestate, therein mentioned.

WHEREAS heretofore the courts of pleas and quarter sessions, during the being of the temporary government, called Franklin, granted administrations on the estates of persons who died intestate, and have issued letters of administration accordingly, in virtue, and by authority of which, the persons so administering have proceeded to administer upon the goods and chattels, rights and credits, of their intestates respectively : And whereas, it will contribute to the peace and quiet of families, that administrations on such estates, so as aforesaid granted, be deemed and declared valid. *Preamble*

Section 1 BE it enacted by the General Assembly of the State of Tennessee, that all administrations granted by any of the said courts of pleas and quarter session, and letters of administration by any of the aforesaid courts issued, on the estates of any person who died intestate, and all proceedings in virtue of such letters of administration had & done, of, and concerning any such estate or estates, agreeably to, and in conformity with the rules and regulations of law respecting the estates of persons dying intestate, and granting administration thereon, at that time in force and use in the State of North Carolina, shall be held and deemed, taken and adjudged, and are hereby declared to be good and valid to all intents and purposes whatsoever. *Certain letters of administration deemed valid.*

Sec. 2. Be it enacted, That in any question or controversy that may arise of, or concerning the granting administration by any of the courts of pleas and quarter sessions in the first section of this act mentioned, and issuing letters of administration, or of, or concerning any proceedings had in virtue and by authority of such administration so granted, *Jurisdiction of court.*

(1801.)

and letters of administration thereon issued no plea or exception to the jurisdiction of the court granting such administration shall be admitted or allowed in any court of law or equity in this State.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 10th, 1801.

CHAP. XXV.

An ACT to prevent frauds and perjuries.

Manner of bringing actions. SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That no action shall be brought where by to charge any executor or administrator upon any special promise, to answer any debt or damages out of his own estate, or whereby to charge the defendant upon any special promise to answer for the debt, default, or miscarriage of another person, or to charge any person upon any agreement made upon consideration of marriage, or upon any contract for the sale of lands, tenements or hereditaments, or the making any lease thereof for a longer term than one year, or upon any agreement which is not to be performed within the space of one year from the making thereof, unless the promise or agreement upon which such action shall be brought, or some memorandum or note thereof shall be in writing, and signed by the party to be charged therewith, or some other person by him thereunto lawfully authorized.

*Gifts,
grants,
&c.*

Sec. 2. *Be it enacted,* That every gift, grant, conveyance of lands, tenements, hereditaments, goods or chattels, or of any rent, common, or profit out of

the same, by writing or otherwise, and every bond, fine, judgment, or execution, had, or made and contrived of malice, fraud, covin, collusion, or guile, to the intent or purpose to delay, hinder, or defraud creditors of their just and lawful actions, suits, debts, accounts, damages, penalties or forfeitures, or to defraud or deceive those who shall purchase the same lands, tenements or hereditaments, or any rent, profit or commodity out of them, shall be henceforth deemed, and taken only as against the person or persons, his, her, or their heirs, successors, executors, administrators or assigns, and every of them, whose debts, suits, demands, estates, interests, by such guileful and covenantous devices and practices as aforesaid, shall or might be in any wise disturbed, hindered, delayed, or defrauded, to be clearly and utterly void, any pretence, colour, feigned consideration, expressing of use, or any other matter or thing to the contrary notwithstanding. And moreover if a conveyance be of goods or chattels, and be not on consideration deemed valuable in law, it shall be taken to be fraudulent within this act, unless the same be by will duly proved and recorded, or by deed in writing, acknowledged or proved, if the same deed include lands also, in such manner as conveyances of land are by law directed to be acknowledged, or proved, or if it be of goods & chattels only, then acknowledged or proved by one or more witness or witnesses in any court of record, and registered in the register's office of the county, where the said goods & chattels, or the most valuable part of them are, within eight months after the execution thereof, or unless possession shall really & *bona fide* remain with the donee; and in like manner where any loan of goods & chattels shall be pretended to have been made to any person with whom, or those claiming under him, possession shall have remained by the space of five years without demand made and pursued by due process at law on the part of the pretended lender, or where any reservation or limitation shall be pretended to have been made of a use of property by way of condition, reversion, remainder or otherwise, in goods or chattels, the possession whereof shall have remained in another as aforesaid, the same shall be taken as to

the creditors and purchasers of the persons aforesaid so remaining in possession, to be fraudulent within this act, and that the absolute property is with the possessor, unless such loan, reservation, or limitation of use or property were declared by will or by deed, in writing, proved and recorded as aforesaid.

*All shall
not extend
to*

Sec 3. *Be it enacted*, That this act shall not extend to any estate or interest in any lands, goods, or chattels, or any rents common or profit out of the same, which shall be upon good consideration, and bona fide lawfully conveyed or assured to any person or persons, bodies politic or corporate, or to any person lending his own property to any person or persons without an intention of fraud.

*When in
force,*

Sec. 4. *Be it enacted*, That this act shall commence and be in force from and after the first day of January next.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. XXVI.

An ACT in addition to an act, entitled, "An act to amend an act establishing courts of law and regulating the proceedings therein."

Preamble.

WHEREAS it is found that the district goals in some instances are insufficient for the purpose of securing criminals and offenders, to remedy which, and to procure a speedy and impartial trial of offenders, according to the provisions of the constitution,

*Court of
oyer and
terminer.*

Section 1. *BE it enacted by the General Assembly of the State of Tennessee*, That in all cases where of-

offenders shall have been committed, to, or imprisoned in the district goal, and the governor for the time being, shall be of opinion that there is a probability of an escape, or that the principles of justice or humanity require a speedy trial, it shall be his duty to issue a commission to the judges of the superior court, empowering them, or any one of them, to hold a court of oyer and terminer, pursuant to the thirty eighth section of the aforesaid act.

Sec. 2 *Be it enacted*, That whenever the said commission shall be delivered to any one of the said judges, it shall be his duty, and he is hereby required to issue a *venire facias* to the sheriff of the county where the district court is held, and to any adjoining county, if necessary, commanding him or them to summon thirty five good and lawful men, to appear on a certain day, therein to be specified, at the district court house, out of which number shall be taken a grand jury, to enquire of, and present the offence with which such offender may stand charged, by ballot, agreeably to the law in force, and the balance of the said jurors shall serve as a petit jury on the trial of such offender, saving to such offender the right of challenge to jurors as heretofore. *Provided*, That there shall be allowed by the said judge, a sufficient time to enable the said prisoner to procure his testimony, as well as the state, & for the said sheriff or sheriffs to summon jurors as aforesaid. *And be it further provided*, That if by challenge or otherwise, there shall not be a sufficient number of the said original panel, or there should be none of the said original panel to make a petit jury for the trial of the aforesaid prisoner, then and in those cases bystanders may be summoned *instantly*, as talismen, or to make a petit jury.

Sec. 3. *Be it enacted*, That immediately upon the receipt of the said commission, such judge shall notify in writing each of the other judges, it convenient, and the state's attorney to attend at said trial, and also the prisoner, stating particularly the time and place, upon which it shall be the duty of the sheriff to serve such notices. *Provided always*,

Duty of judges of superior court.

Judges & state's attorney to attend.

That if it shall be necessary for the purpose of justice, the said judge or judges holding court may, if the bill be found true, adjourn the court to some further day.

No extra
to be al-
lowed.

Sec. 4. *Be it enacted*, That nothing herein contained shall be so construed as to entitle said judge or judges to receive any compensation or salary heretofore established by law, or otherwise, for holding said court or courts but may be allowed therefor by the succeeding legislature, next after the year of one thousand eight hundred and forty.

Repealing
clause.

Sec. 5. *Be it enacted*, That all acts and parts of acts, coming within the purview of this act, shall be and are hereby repealed.

WILLIAM DICKSON,

Speaker of the House of Representatives

JAMES WHITE,

Speaker of the Senate

PASSED—October 29, 1851.

CHAP. XXVII.

AN ACT empowering the county courts to emancipate slaves.

WHEREAS the number of petitions presented to this legislature praying the emancipation of slaves not only tend to involve the state in serious evils, but are also productive of great expense. For remedy whereof

County Sec. 1. *BE it enacted by the General Assembly of* courts, may the state of Tennessee, That when any person or emancipate persons being residents of this state, and owners of slaves, which they are desirous of setting free, they

shall prefer a petition to the court of the county in which they reside, setting forth the intention and motives for such emancipation, and if the court upon examining the reasons set forth in said petition, should be of opinion, that according to the same would be consistent with the interest and policy of the state, the chairman thereof shall report on the petition accordingly, and sign his name thereto, which petition shall be filed in the office of the clerk of said county. But no petition shall be granted, unless the petitioner first enter into bond with approved security, in such sum as the court may think proper, to reimburse such damages as the county may sustain, in consequence of such slave or slaves becoming chargeable, and upon these requisitions being complied with, such slave shall be held and deemed free; and entitled to all the privileges and immunities that other free people of colour in this state are.

Sec. 2. *Be it enacted*, That when any person or persons liberated by virtue of this act, shall by any ways or means be rendered incapable of providing for him or herself the common necessities of life, such slave or slaves shall be provided for by the county in which he or she was emancipated, and may be removed thereto from any other county, there to be provided for in the manner directed by an act, entitled, "an act making provision for the poor," passed at Knoxville, October the twentieth, one thousand seven hundred and ninety seven.

Provision for disabled persons.

Sec. 3. *Be it enacted*, That no county court as aforesaid, shall receive a petition for emancipation, unless nine, or a majority of the justices of peace of said county be present, and in either case a concurrence of two thirds must be had, in order to liberate any slave.

Nine justices to be present.

Sec. 4. *Be it enacted*, That the clerk of the court shall record all proceedings of emancipation, and make out a certificate to the slave or slaves who may be liberated by virtue of this act, for which his fees

Clerk's duty.

shall be equal to fees for services of similar order, and shall be paid by the master of said slave or slaves.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. XXVII.

AN ACT to repeal so much of an act, entitled, "an act ascertaining the number of judges of the superior court of law and equity, and fixing their salary, and directing their qualification to office," passed at Knoxville, the twenty eighth day of March, one thousand seven hundred and ninety six, as comes within the purview and meaning of this act.

Compensation to the judges.

SECTION 1. **B**E it enacted by the General Assembly of the state of Tennessee, That from and after the fifteenth day of October instant, there shall be allowed to each judge of the superior court of law and equity, as a full compensation for his services, one hundred dollars, for each and every court he may attend, to be paid out of any monies in the treasury of this state, not otherwise appropriated.

Duty of judges.

Sec 2. **B**e it enacted, That it shall be the duty of each judge, to attend each and every court; and in case of failure, a deduction from his pay shall be made proportioned to the time he so fails or neglects to attend; unless he be prevented by sickness or some unforeseen accident, then and in that case, he shall receive pay as by this act directed. *Provided, his non attendance does not exceed one term.*

Sec. 3. *Be it enacted, That the fourth and fifth sections of the above recited act, so far as come within the purview and meaning of this act, be, and they are hereby repealed.*

WILLIAM DICKSON,

Speaker of the House of Representatives

JAMES WHITE,

Speaker of the Senate.

PASSED—November 6, 1801.

CHAP. XXIX.

An ACT authorizing the governor of this state to appoint commissioners to settle and designate the true boundary line between this state and the state of Virginia; and also a commissioner to go forward to the state of Kentucky to lay before the executive thereof, at their next general assembly, a memorial entered into by the general assembly of this state.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee. That Boundary the governor for the time being, is hereby authorized and required, as soon as may be convenient after the passing of this act, to appoint three commissioners on the part of this state, one of whom shall be a mathematician capable of taking the latitude, who, when so appointed, are hereby authorized and empowered, or a majority of them, to act in conjunction with such commissioners as are or may be appointed by the state of Virginia, to settle and designate a true line between the aforesaid states.*

Sec. 2. *Be it enacted, That there shall be appointed by the authority aforesaid one surveyor who, together with the aforesaid commissioners, shall each pointed.*

receive five dollars per day as full compensation for their services and expenses whilst they are performing the duties enjoined by this act, and there shall also be chosen by the commissioners, one suitable person as marker of the line aforesaid, who shall receive two dollars per day in full discharge for his services and expenses.

And whereas it may be difficult for this legislature to ascertain with precision, what powers ought of right to be delegated to the said commissioners. Therefore,

*Instructi-
ons to com-
missioners.*

Sec. 3. Be it enacted, That the governor is hereby authorized and required from time to time, to issue such instructions to the commissioners, as he may deem proper, for the purpose of carrying into effect the object intended by this act, consistent with the true interest of this state.

*Commis-
sioners to
report.*

Sec. 4. Be it enacted, That the said commissioners as soon as may be, shall report in writing, to the governor for the time being, a true statement of all their proceedings relative to the running and establishing of the said line, whose duty it shall be, to lay the same before the succeeding legislature.

*Commis-
sioner to go
to Ken-
tucky.*

Sec. 5. Be it enacted, That the governor is hereby authorized and required to appoint a commissioner to go forward to the state of Kentucky, and lay before the executive thereof a memorial of this general assembly, and request him to lay the same before the general assembly of that state at their next meeting, which commissioner so appointed, is hereby vested with full power on the part of this state, to enter into any arrangements with the general assembly, or any person by them appointed, respecting the attainment of that part of the state of Kentucky, lying south of Greene river, and adjoining this state, or any part thereof, and the said commissioner shall receive five dollars per day as a full compensation for his services and expenses, whilst he shall be necessarily employed in performing the duties required by this act, and shall report to the executive of this state, what may have been done relative to the

obj:ct of his mission, and the governor shall lay the same before the next general assembly.

Sec 6, *Be it enacted*, That the governor be, and he is hereby authorized & empowered to draw upon either of the treasurers of this state for such sum or sums of money, as may be necessary for carrying this act into effect. *Money appropriated* *Provided*, the same doth not exceed one thousand dollars, and if it should exceed the aforesaid sum, the deficiency shall be provided for by the succeeding legislature.

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. XXX.

An ACT prohibiting any states attorney or solicitor of a county, from preferring a bill of indictment to any grand jury, without a prosecutor marked thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* *Bills of indictment* *how preferred.* *no states attorney or solicitor of a* *dictment* *county, shall prefer a bill of indictment to any grand jury in this state, without a prosecutor marked thereon, any law to the contrary notwithstanding.*

Sec. 2. *Be it enacted*, That if any states attorney or county solicitor, shall prefer a bill of indictment against any person or persons, contrary to the true intent and meaning of this act, the party or parties against whom such bill shall be preferred, may give this act in evidence; and the court shall order him or them to be discharged; and the states attorney or county solicitor shall be answerable for the cost *This act may be given in evidence.*

which may have accrued on such bill, and execution may issue against him or them for the same.

*Not to af-
fect pre-
sentments.*

Sec. 3. Be it enacted. That nothing contained in the first and second sections of this act, shall be construed to extend to any presentments made by the grand jury, or to any bill of indictment founded thereon.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13, 1801,

CHAP. XXXI.

An ACT to carry into effect a resolution of congress, passed the twenty ninth day of September, in the year of one thousand seven hundred and eighty nine.

Preamble. **W**HEREAS it is recommended by a resolve of the first session of the congress of the United States, to the legislatures of the several states, to pass laws making it expressly the duty of keepers of their goals, to receive and safe keep therein, all persons committed under the authority of the United States, until they shall be discharged by the due course of the laws thereof, under the like penalties as in the case of prisoners committed under the authority of such states respectively; the United States promising on their part to pay for the use and keeping of such goals, at the rate of fifty cents per month for each prisoner who shall be committed under their authority, during the time such prisoner shall be confined therein, and also to support such of said prisoners as shall be committed for offences:

Section 1. BE it enacted by the general assembly of the State of Tennessee, That when any prisoner of

prisoners shall be delivered to the keeper of any goal in this State, by or under the authority of the United States, such keeper is hereby commanded to receive and safely keep every such prisoner or prisoners, and all and every keeper or keepers of any goal in this State, refusing or neglecting to take possession of, and safely keep any prisoner or prisoners delivered to him or them, by, or under the authority of the United States aforesaid, shall be subject to the same pains and penalties as for neglect or refusal to receive and safely keep any prisoner or prisoners delivered them under the authority of this State: *Provided*, That in all cases in which the United States shall be a party, the marshal or person delivering such prisoner, and in all civil cases the party at whose instance such prisoner shall be committed shall be liable to such goaler or keeper, for the prison fees and subsistence of such prisoner, while so imprisoned; which prison fees and subsistence shall be the same as are or may be provided for by law, for prisoners committed under the authority of the State.

Sec. 2. Be it enacted, That the monies arising *Money* from the aforesaid fifty cents per month, as stated in *appropriated* the preamble of this act, shall be collected from the *ted*, marshal by the goaler receiving any prisoner as aforesaid, who is hereby directed to pay the same to the treasurer or trustee of his county, immediately after receiving the same, which monies shall be by said treasurer or trustee accounted for in the same manner as other county monies.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. XXXII.

*An ACT to prevent the evil practice of duelling.**Fighting a duel.*

SECTION 1.

BE it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, if any person or persons shall attempt to fight a duel by challenge or otherwise, he or they, on conviction thereof, shall forfeit and pay the sum of fifty dollars, and shall further be committed to close goal for sixty days, and there to remain without bail or mainprize, and also forfeit the rights and privileges of a citizen, for and during the space of one year thereafter; and if any person or persons shall bear a challenge, from one person to another, to fight a duel, the person bearing the same, on due proof being made thereof, shall forfeit and pay the sum of fifty dollars, and shall be committed to close goal for and during the space of thirty days, there to remain without bail or mainprize.

Accepting a challenge

Sec. 2. *Be it enacted,* That if any person shall hereafter accept any challenge to fight a duel, he, so accepting, shall forfeit and pay the sum of fifty dollars, and also forfeit all his rights and privileges of citizenship, for and during the space of one year thereafter.

Killing in a duel.

Sec. 3. *Be it enacted,* That if any persons shall hereafter fight a duel, and either of the persons so fighting be killed, it shall be held and deemed wilful murder by the surviving person, who shall suffer death without benefit of clergy.

Jurisdiction of justices.

Sec. 4. *Be it enacted,* That each and every justice of the peace in this state, shall have jurisdiction of all matters and things in this act contained, except in cases of murder, and therein, to far as commitment to the proper goal designated for criminal offences, and each and every of said justices of the peace, and other civil officers in this state, are hereby enjoined to take cognizance thereof.

Sec. 5. *Be it enacted*. That all fines and forfeitures arising by virtue of this act, shall be one half to the person who will sue for the same, the other half to the use of the state, any law, usage or custom to the contrary notwithstanding. *Fines as printed.*

Sec. 6. *Be it enacted*, That all laws and parts of laws, coming within the purview and meaning of this act, shall be, and are hereby repealed. *Repealing clause.*

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 10th, 1861.

CHAP. XXXIII.

An ACT declaring that there shall be but one attorney general for the state, ascertaining his duty and compensation for his services, and repealing the former act on that subject.

WHEREAS it is found expedient that one attorney general should be appointed for this state, and that the act heretofore passed on that subject should be repealed, *Preamble.*

Section 1. *BE it enacted by the general assembly of the state of Tennessee*, That there shall be appointed a meet person, learned in law, to act as attorney general for the state of Tennessee, who shall be commissioned by the governor, and sworn or affirmed to the faithful discharge of the duties of his office, previous to entering on the execution thereof. *Attorney-general appointed.*

Sec. 2. *Be it enacted*, That it shall be the duty of the attorney general to attend at every term of *His duty.*

the superior courts of law to be holden in the different districts of this state, to prosecute all delinquents for crimes and offences cognizable in said courts, in all cases either originally commenced in any of said courts, or removed thereto from any county court, by habeas corpus, appeal, certiorari, or writ of error, to conduct all suits in said courts in which the state shall be concerned, and to give his opinion on questions of law concerning the interest of the state, when required by the governor or either of the treasurers.

Compensation.

Sec. 3. *Be it enacted*, That the said attorney general shall be allowed as a compensation for his services the sum of fifty dollars, exclusive of such fees as are by this act, or may by law be allowed him, for each term of said courts that he may attend, to be paid by either of the treasurers of this state, out of any monies in the treasury not otherwise appropriated, on a certificate from the clerk of such court that he has attended the term; and the clerks of said courts respectively, are hereby requested to furnish the attorney general at the end of each term, with such certificate.

Fees.

Sec. 4. *Be it enacted*, That after the passing of this act the attorney general shall be allowed the following fees, to be included in the bill of costs, (viz.) In each prosecution in either of said courts, where the grand jury shall return a true bill, three dollars, and where the grand jury shall return not a true bill one dollar and fifty cents, and in every case removed from any county court into either of said superior courts, three dollars, any thing in any act or acts to the contrary notwithstanding.

Repealing clause.

Sec. 5. *Be it enacted*, That an act, entitled, "an act ascertaining the number of attorneys general to be appointed in the state of Tennessee, for fixing their salaries, and directing their duty in office," passed at a session of the general assembly began and held at Knoxville, on Monday the twenty eighth day of

March, one thousand seven hundred and ninety-
six, be, and the same is hereby repealed.

WILLIAM DICKSON,

Speaker of the House of Representatives

JAMES WHITE,

Speaker of the Senate

PASSED—November 2, 1801.

CHAP. XXXIV.

An ACT to amend an act respecting strays.

Section 1. **BE** *it enacted by the general assembly of the State of Tennessee, That* *Duty of appraisers.*

every appraiser so appointed, agreeably to the above recited act, shall return the certificate of such appraisement to the taker up of such stray or strays, who shall be, and is hereby bound to return the same to the ranger of the county within fifteen days after such appraisement made, under the penalty of the appraised value of such stray or strays so taken up, to be recoverable before any jurisdiction having cognizance thereof, one half to the county, and the other half to him or them that will sue for the same.

Sec. 2, *Be it enacted, That* every person taking up any stray or strays, shall not directly or indirectly remove any such stray or strays out of the county where the same was so taken up, or sell or dispose of the same in any manner whatsoever within twelve months, under the penalty of double the amount of the appraised value of such stray or strays, to be recovered before any jurisdiction having cognizance thereof, one half to the use of the county, the other to him or them that will sue for the same. *Strays not to be removed.*

Sec. 3. *Be it enacted, That* if any person taking up any stray or strays, shall be about to remove him or herself out of the county, before him or her *Duty of trustee.*

have settled with the county trustee, to the full amount of two thirds of the appraised value of such stray or estrays, that then and in that case, the trustee of such county, on his own knowledge or otherwise, is hereby required to sue such person by warrant, and cause him or her to appear before some justice of the peace, to give bond with sufficient security, payable to such trustee for the use of said county, or owner, to the full amount of two thirds of the appraised value of such stray or estrays, by him or her so taken up; and in case of failure thereof, such person shall forfeit double the appraised value of such stray or estrays, to be recovered by the said trustee on an action of debt.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate,

PASSED—November 13, 1801.

CHAP. XXXV.

An ACT to prevent the disturbance of public worship.

BE it enacted by the General Assembly of the state of Tennessee, That if any person shall interrupt a congregation assembled for the purpose of worshipping the Deity, such person shall be dealt with as a rioter at common law.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate

PASSED—November 14, 1801.

CHAP. XXXVI.

An ACT to suspend the second section of an act, entitled, "an act respecting dollars and cents, and contracts, and the manner of keeping accounts, to far as respects the currency in which contracts shall be made and accounts kept.

BE it enacted by the general assembly of the state of Tennessee, That the second section of the above recited act, is suspended until the next stated general assembly.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 10th, 1801.

CHAP. XXXVII.

An ACT to extend the jurisdiction, and to ascertain the bounds of the counties herein mentioned.

Section. 1. *BE it enacted by the general assembly of the state of Tennessee, That* *Bounds of*
the bounds of Jackson county shall be as follows. counties.
(viz) Beginning at the north east corner of said county, on the state line, thence east with said line to the north west corner of Anderson county, thence along the western boundary of the counties of Anderson and Roane, to the southern boundary of the state, thence westward with said line to a point, from which a due north line will strike the south east corner of said county; and that the counties of Smith,

Wilson, Davidson, Williamson and Robertson, shall be extended from their south west and south east corners, due south to the southern boundary of the State, and that the county of Montgomery shall be extended from the north west corner, thence down the river Mississippi to the south west angle of this State, thence east, with the southern boundary line of the same, to the south west corner of Robertson county, thence north, with the western boundary line of Robertson county aforesaid, to the northern boundary line of this State, thence west, to the beginning.

*Laws of
the U. S.*

Sec. 2 *Be it enacted*, That nothing in this act contained, shall be so construed as to authorise any person whatever, to violate the laws of the United States, as it relates to such parts of the said counties lying within the Indian boundary. *Provided nevertheless*, That nothing herein contained shall be so construed, as to authorise the sheriff of either of the aforesaid counties, to levy executions or sell any real property lying within the Indian boundary, until the same is extinguished, any law to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 14, 1801.

CHAP. XXXVIII.

*An ACT to repeal so much of an act, entitled,
"an act to suppress excessive gaming as respects
the fines on billiard tables and horse racing.*

Section 1 *Be it enacted by the general assembly of the State of Tennessee*, That from and after the passing of this act, that no money

or any kind of property whatever, won by any species or mode of gaming shall be recoverable by law.

Sec 2. *Be it enacted*, That the law imposing fines by the before recited act, so far as respects billiard tables and horse racing, be and the same is hereby repealed, any law to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 14, 1801.

CHAP. XXXIX.

An ACT to appoint agents to settle the dispute existing between this state and the United States relative to the vacant and unappropriated lands within this state, and to procure the relinquishment of the claim of the United States to the same.

WHEREAS it appears by communications made to this general assembly, by the senators of this state in the congress of the United States, that the United States claim a right to dispose of the vacant and unappropriated soil within the limits of this state; in order that a determination may be made, whether the United States or the state of Tennessee have the right to dispose of the said lands, *Preamble:*

BE it enacted by the general assembly of the state of Tennessee, That the senators and representative of this state, and their successors, or a majority of them, are hereby vested with full power and authority, as agents on the part of this state, to claim the absolute right of disposing of the vacant and unappropriated soil within the same, and to have the claim *Commissioners appointed.*

of the United States, and the claim of this State examined and determined : And in order to prevent all future dispute, the said senators and representative, or their successors, or a majority of them, are hereby authorized to procure from the United States a relinquishment of their claim to the said land, in such manner, and upon such terms, as to the said agents hereby appointed, may seem proper.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 14, 1801.

CHAP. XL.

An ACT to amend an act, entitled, " An act to amend the law now in force in this State for selling lands under execution.

BE it enacted by the General Assembly of the State of Tennessee, That all lands to be hereafter sold by any sheriff, which are directed to be advertised in a public gazette, shall be advertised in the gazette of the district where the land lies, if there be one, if not, then in the Gazette nearest to where the land lies, any law, usage, or custom to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 14, 1801.

CHAP. XLI.

An ACT to repeal so much of the third section of an act prescribing what shall be the legal probate of deeds and conveyances of lands and mortgages, where such probate shall be made without the limits of this State, and within the limits of the United States, and for other purposes as herein after mentioned.

BE it enacted by the General Assembly of the State of Tennessee, That the following words of the above recited third section, "*Provided he, she, or they do pay a reasonable rent for the said improvements, to be deducted out of the same,*" which words are hereby repealed and made void, any law to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. XLII.

An ACT to suspend the operation of a law mentioned therein.

BE it enacted by the General Assembly of the State of Tennessee, That the operation of an act for establishing offices for receiving entries of claims for all vacant lands within the several counties in this State, and ascertaining the method of obtaining title to the same, passed at Knoxville the fifth day of January, one thousand se-

ven hundred and ninety nine, is hereby suspended until the end of the next stated session of the general assembly.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13, 1801.

C H A P. XLIII.

An ACT to provide for an election to elect a representative or representatives to represent this state in the Congress of the United States, and to supply vacancies that may hereafter take place.

*Election to
be held.*

SECTION 1 **B**E it enacted by the General Assembly of the state of Tennessee, That an election, shall be held at the court house of each county respectively, or at any other place which is or may be provided for by law for holding elections within this state, on the last Thursday of October next and the succeeding day, to elect a representative or representatives (as the case may be) to represent this state in the Congress of the United States; which election shall be conducted under the same rules, regulations, and restrictions, and by the same officers as elections for members of the general assembly.

*Qualifi-
cation of
candidate.*

Sec. 2. *Be it enacted,* That the person or persons elected, shall have been a citizen or resident of the state three years immediately preceeding the day of election.

*Sheriff's
duty.*

Sec. 3 *Be it enacted,* That immediately after the close of the election in each county, the sheriff, or other returning officer, shall, in the presence of the inspectors of the election, make out two correct

statements of the number of votes given to each candidate in his county, which two statements shall be certified by said sheriff or other returning officer, and a majority of the inspectors; one of the said statements, shall, by the inspectors be filed in the office of the clerk of the county, and the sheriff or other returning officer, by himself or deputy, shall attend with the other on the day, and at the place hereinafter mentioned, namely: The returning officers for the several counties in the district of Washington, by themselves or deputies, shall meet at Jonesborough, on the fourth day after the close of the election, and in the presence of three justices of the peace, to be summoned for that purpose, proceed to examine and compare the several certified statements aforesaid, and shall make out and certify under their hands and seals, a general statement of the number of votes given for each of the candidates in the said district, which statement shall also be certified by the justices attending as aforesaid; and in like manner the returning officers for the several counties in the district of Hamilton shall meet at Knoxville, on the aforesaid fourth day after the close of the election, and proceed to make out a general statement of the votes given for each of the candidates in the several counties in the said district of Hamilton, in the same manner as before directed for the returning officers of the district of Washington; and in the same manner the returning officers for the several counties in the district of Mero, shall meet at Nashville on the said fourth day after the close of the election, and shall proceed to make out a general statement of the votes given for each candidate in the several counties in the last mentioned district, agreeably to the manner and form directed for the district of Washington, which general statements shall be produced at Knoxville, upon the fifteenth day after the close of the election, by one of the returning officers, from each of the districts aforesaid.

Sec. 4. *Be it enacted*, That in order to ascertain which of the said officers shall attend, they are hereby directed to determine the same by lot or otherwise; and on the meeting of the said officers at the

Sheriffs to determine by lot &c.

seat of government they shall in the presence of the justices of the peace, or any one of the judges of the supreme court of this State, proceed to examine and compare the votes given by the electors in the several counties in this State, and the said returning officers, and a majority of the acting justices or judge, as the case may be, shall certify under their hands and seals, to the governor for the time being, which of the candidates shall have received the greatest number of votes. And on the reception of such certificate it shall be the duty of the governor to commission him accordingly. But if two or more candidates shall have an equal number of votes, the returning officers from the several districts, shall determine by lot, which of them shall be duly elected.

*Pen for
non at-
tendance*

Sec. 5. *Be it enacted*, That if any sheriff, or other returning officer, shall fail to attend and return a statement as aforesaid, or fail to comply with all the requisitions of this act, so far as relates to his or their duty, he or they so failing, shall forfeit and pay the sum of five hundred dollars one half to the use of the State, the other half to any person who will sue for the same, to be recovered by action of debt, before any jurisdiction having cognizance thereof, unless sufficient cause be shewn for such failure, or non-attendance

*Compensation to
Sheriffs*

Sec. 6. *Be it enacted* That each of the sheriffs, or other returning officers attending as by this act required, shall be allowed the sum of one dollar and seventy five cents for every thirty miles they shall travel in going to and returning from the place by this act directed for comparing the votes, as well for their attendance in the several districts, as at the seat of government, and the same for each day they shall necessarily attend in discharging the duties enjoined on them by virtue of this act; and a certificate thereof, signed by the justices or judge (as the case may be) before whom the votes may have been compared shall be given to each sheriff or other returning officer respectively setting forth the number of days and distance travelled, which certificate shall be discharged by either of the public treasurers of this State.

Sec 7. *Be it enacted*, That where a vacancy may *Vacancies* happen by death, resignation, or otherwise, the go *how suppli-* vernor for the time being, shall have power, and he *ed.* is hereby authorised and required, to issue writs of election to fill such vacancy; and all elections in future for filling vacancies, shall be conducted under the same rules, regulations, and restrictions as herein are expressed. And further it is to be understood, that this act is not intended to militate, or in any respect to alter or abolish an act, entitled, "An act directing the mode of electing representatives to represent this state in the congress of the United States," passed at Knoxville, in the year one thousand seven hundred and ninety seven.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—September 26, 1801.

CHAP. XLIV.

An ACT making provision for the election of representatives to represent this state in the Congress of the United States.

WHEREAS it appears evident that an increase *Preamble.* in the representation of this state in the federal legislature will take place previous to the next stated session of the general assembly of this state: Therefore to avoid the expence attending a called session, and to afford to the citizen an opportunity of availing themselves of the advantages attending the aforesaid increased representation,

Section 1. *BE it enacted by the General Assembly* *General* of the state of Tennessee, That the said state shall be *ticket.* considered as composing one district, and a general.

ticket shall run throughout the same for such number of representatives as may be appointed to the state of Tennessee by the congress of the United States

*Elections
when to
be held.*

Sec. 2: *Be it enacted*, That all elections in future for representatives as aforesaid, shall be held at the time and place, and conducted under the same rules and regulations as heretofore practised by virtue of an act, entitled, "an act, directing the mode of electing representatives to represent this state in the congress of the United States," passed at Knoxville, September the twenty seventh, one thousand seven hundred and ninety seven.

*Act when
in force.*

Sec. 3. *Be it enacted*, That this act shall have force and effect from and after the passing thereof, and until the end of the next stated session of the general assembly, and no longer.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. XLV.

An ACT to reduce Knox county to its constitutional limits, and to form two new and distinct counties, by taking part of Grainger county.

*Bounds of
Knox
county.*

Section 1:

B *Be it enacted by the general assembly of the state of Tennessee*, That from and after the passing of this act, Knox county shall be bounded by the following lines, (viz) Beginning on the south bank of

Holston, at the mouth of Little river, and running with the lines as described by an act entitled, "an act describing and extending the bounds of Knox county," passed at Knoxville, January the fifth, one thousand seven hundred & ninety nine, to the upper end of the first bluff above Boyle's old place, thence along the lines as described by "An act to annex part of Grainger county to the county of Knox," thence along the former line of Knox county to a ridge between Clinch mountain and Clinch river known by the name of the Chestnut ridge, thence along said ridge to the lower line of Henderson and company's survey; thence along said line to the top of the Copper ridge, thence along the extreme height of said ridge opposite the first bluff below the mouth of Bull Run, thence to the north bank of Clinch river opposite said bluff, thence along the said north bank to a point, from which south, forty five degrees east, will strike the south bank of Holston river, so as to leave Knox a constitutional county, thence up the several meanders of said river on the south side to the beginning.

Sec. 2. *Be it enacted*, That all that tract of country lying within the following described bounds, shall be, and is hereby made and constituted a new and distinct county by the name of Anderson (viz) Beginning on the Chestnut ridge where the Knox and Grainger line crosses it, thence north, forty five degrees west, to the northern boundary of this state, thence south forty five degrees west, to a point from whence, south, forty five degrees east, will strike Wallen's ridge one quarter of a mile above the gap of the Indian fork of Poplar creek, thence to the double springs on the east fork of said creek, thence a direct course to Clinch river opposite the mouth of Hickory creek thence up the lines of Knox county to the beginning.

Sec 3 *Be it enacted*, That all that tract of country lying within the following described bounds, shall be, and is hereby made and constituted a new and distinct county by the name of Roane, (viz) Beginning at the corner of Knox county on the south bank of Holston river, running along said line to

Bounds of Anderson county.

Bounds of Roane county.

Clinch river on the north bank, thence up or down said north bank, as the case may be, to the corner of Anderson county, thence along said line, north forty five degrees west, to the north west corner thereof, thence south, forty five degrees west, to the southern boundary of this State, thence east, along said southern boundary to the river Tennessee, on the south side, thence up the several meanders of said river on the south side, to a point opposite the south bank of Holston river, thence to the said south bank, thence up the several meanders on the south side to the beginning.

Provisional line of Knox county.

Sec. 4. Be it enacted, That Knox county shall not extend further down, than to a direct line from the salt petre cave, below the Chota ford on Holston, to the mouth of Hickory creek, on Clinch river, until the constitutional limits of Knox county shall be ascertained by actual survey, which shall be done by disinterested commissioners appointed by the county court of Knox: Provided also, That if on accurate survey it shall be found, that there are not constitutional bounds for Knox county above the line described in this section, that then and in that case, the deficiency shall be made up, by taking one half thereof from the county of Anderson on the south side, between the Grainger line, and the lower line of Henderson and company's survey; the other half thereof from Roane county, between the rivers Clinch and Holston, which lines when run, shall be the bounds of Knox county, any thing in this act to the contrary notwithstanding.

Burville. Sec. 5. Be it enacted, That William Lea, Kinza Johnston, William Standefer, William Robertson, Joseph Grayson, Solomon Maffingale, and Hugh Montgomery, are hereby appointed commissioners, who, or a majority of them, shall, as soon as may be, fix on a place the most convenient, as near the river Clinch, on the north side, as the nature of the case will admit, between the Island ford, and where Samuel Worthington now lives, for a court house, prison and stocks, for the use of said county of Anderson: And after agreeing on the place, they shall

proceed to purchase any quantity of land, not exceeding fifty acres, for which they shall cause a deed or deeds to be made to themselves or their successors in office, on which they shall cause a town to be laid off with necessary streets and allies, reserving two acres as near the centre as may be, on which the court house, prison, and stocks shall be erected, which town shall be known by the name of Burrville.

Sec. 6. Be it enacted, That when the town shall thus be laid off, the aforesaid commissioners are further required to advertise for sale, to the highest bidder at a credit of six months, the lots of said town, giving thirty days previous notice, and shall take bonds with sufficient securities, to themselves or successors in office, and shall make titles to the purchasers. *Lots to be sold.*

Sec. 7. Be it enacted, That it shall be the further duty of the aforesaid commissioners, to contract with suitable workmen, to build a court house, prison and stocks, and the monies arising from the sale of said lots, after paying for the land so purchased, shall be applied to pay for said court house, prison and stocks. *Courthouse to be built.*

Sec. 8. Be it enacted, That should the money arising from the sale of said lots prove insufficient to pay for said public buildings, then, and in that case, a majority of the acting justices of said county of Anderson, shall in term time have power, & are hereby authorized and required to lay an additional county tax, not exceeding twelve and an half cents on each hundred acres of land liable to taxation, twelve and an half cents on each white poll, twenty five cents on each black poll, fifty cents on each stud horse kept for covering mares, and twenty five cents on each town lot; the said tax to be laid from year to year, until a sufficient sum shall be collected to pay for said public buildings, and shall be collected by the collector of public taxes on the same per cent. as other county taxes, and shall pay the same to the aforesaid commissioners, and be by them applied to *Tax to be laid.*

the payment of said public buildings, whose receipts shall be allowed in the settlement of his accounts

*Comm'rs to
give bond.*

Sec. 9 Be it enacted, That before the said commissioners enter on the duties of their appointment, they shall enter into bond with sufficient security, payable to the governor for the time being, in the sum of five thousand dollars, for the faithful discharge of their duty as herein expressed, which bond shall be lodged in the office of the clerk of the said county of Anderson.

*Comm'rs to
settle with
the court.*

Sec. 10 Be it enacted, That so soon as the public buildings shall be completed, the aforesaid commissioners shall lay before the court of Anderson county a just and fair statement of all monies by them received, as well those by them expended, with sufficient vouchers for the same, by virtue of their appointment, and the court shall make them a reasonable allowance for their services; Provided, there shall be five justices present when such allowance is made.

*Court when
to be held.*

Sec. 11 Be it enacted, That for the due administration of justice, that the court of pleas and quarter sessions, shall be held in and for said county of Anderson, on the second Mondays of March, June, September, and December, and the justices for said county shall hold the first court at the house where Joseph Denham, senior, now lives, on the second Monday of December next, and all subsequent courts for said county, on the days above mentioned for holding courts therein, at the same place; until a court house shall be built in and for said county, and then all causes, matters and things depending in said court, and all manner of process returnable to the same, shall be adjourned to such court house, and all courts held in and for said county, shall be held by commission to said justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers and jurisdictions, as are or shall be prescribed, by, and for the courts of the several counties in this state.

*Anderson
annexed to
Hamilton
district.*

Sec. 12. Be it enacted, That the said county of Anderson, be, and is hereby declared a part of Hamilton district, in the same manner, and for all

purposes, civil, criminal and military, in as full and ample manner as any county in this state, and shall send three jurors to the superior court of said district.

Sec. 13. Be it enacted, That nothing herein contained, shall be so construed as to prevent the collector of public taxes of Knox and Grainger counties to collect the tax for the year one thousand eight hundred and one, and all arrearages of taxes. *Arrears of taxes.*

Sec. 14. Be it enacted, That William Hogthead is hereby appointed a commissioner on the part of Anderson county, to act with a commissioner appointed by the county of Claiborne, to run the line between the aforesaid counties, from Clinch river to the Indian boundary, and shall have for his services the sum of two dollars, for each day he may be necessarily employed in running said line, to be paid by the treasurer of Anderson county, out of the county monies, whole receipt shall be good in the settlement of his accounts. *Line between Anderson & Claiborne.*

Sec. 15. Be it enacted, That Jesse Royden is hereby appointed a commissioner on the part of the county of Anderson, to act with a commissioner appointed in the county of Roane, to run the line between the aforesaid counties, from the double springs on the east fork of Poplar creek, to the Indian boundary, and from the aforesaid double springs to Clinch river, and shall receive the sum of two dollars for each day he may be necessarily employed in running said line, and shall employ a marker who shall be entitled to receive one dollar per day, to be paid by the treasurer of Anderson county, out of the county monies, and their receipts shall be good in the settlement of his accounts. *Line between Anderson and Roane.*

Sec. 16. Be it enacted, That Hugh Nelson, John Smith, T. Alexander Carmichael, William Barnett, Paul Harlson, and Zacheus Airs, or a majority of them, are hereby appointed commissioners to agree with a suitable workman to build a court house, prison and stocks, in the town of Kingston, on the lot reserved for that purpose, for the use of said county of Roane. *Court house for Roane county.*

*Court for
Roane
county
when to be
held.*

Sec. 17. Be it enacted, That for the due administration of justice, the court of pleas & quarter sessions shall be held for said county of Roane, on the third Mondays of March, June, September, and December, and the justices for said county, shall hold the first court at the house of Alexander Carmichael in Kingston, on the third Monday of December next, and all subsequent courts for said county, on the days above mentioned, for holding courts therein, at the same place, until a court house shall be built in and for said county, and then all causes, matters and things, depending in said court, and all manner of process returnable to the same, shall be adjourned to such court house, and all courts held in and for said county, shall be held by commission to said justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers and jurisdiction, as are or shall be prescribed by law, for the courts of the several counties in this state.

*Annexed
to Hamil-
ton dist.*

Sec. 18. Be it enacted, That the said county of Roane, be, and is hereby declared a part of Hamilton district, in the same manner, and for all the purposes, civil, criminal, and military, in as full and ample manner as any county in this state, and shall send two jurors to the superior court of Hamilton district.

*Tax to be
laid in
Roane.*

Sec. 19. Be it enacted, That a majority of the acting justices of the county of Roane, when in session, shall have power, and are hereby authorized and required, to lay an additional county tax, not exceeding twelve and an half cents on each hundred acres of land liable to taxation, twelve and an half cents on each white poll, twenty five cents on each black poll, fifty cents on each stud horse kept for covering mares, twenty five cents on each town lot, and ten dollars on each billiard table, the said tax to be laid from year to year, until a sufficient sum shall be collected to pay for said public buildings, and shall be collected by the collector of public taxes, on the same per centum, as other county taxes, and shall pay the same to the aforesaid commissioners, whose receipt shall be allowed in the settlement of his

accounts, and be by them applied to the payment of said public buildings

Sec. 20. Be it enacted, That before the said commissioners enter on the duties of their appointment, they shall enter into bond with sufficient security, payable to the governor for the time being, in the sum of three thousand dollars, for the faithful discharge of their duty as herein expressed, which bond shall be lodged in the office of the clerk of said county of Roane. *Comm'rs to give bond,*

Sec. 21. Be it enacted, That so soon as the public buildings shall be completed, the aforesaid commissioners shall lay before the court of Roane county, a just and fair statement of all monies by them received, as well as those by them expended, with sufficient vouchers for the same, by virtue of their appointment, and the court shall make them a reasonable allowance for their services. Provided, There shall be five acting justices present when such allowance is made. *And make settlement.*

Sec. 22. Be it enacted, That Joseph Taylor is hereby appointed a commissioner on the part of the county of Roane, to act with the commissioner appointed on the part of Anderson county, to run the line between the counties of Anderson and Roane, from the double springs on the east fork of Poplar creek, to the Indian boundary, and from the aforesaid double springs, to Clinch river; and shall have the sum of two dollars for each day he may be necessarily employed in running said line, to be paid by the treasurer of Roane county, out of the county monies, whose receipt shall be good in the settlement of his accounts. *Line between Roane & Anderson.*

Sec. 23. Be it enacted, That John McClellan and Joseph Taylor are hereby appointed commissioners to run and mark the line between the counties of Knox and Roane from the salt petre cave on Holston to the mouth of Hickory creek on Clinch river, for which they shall have the sum of two dollars & fifty cents, for each day they may be necessarily employ- *Between Knox and Roane.*

ed in running said line, and the treasurer of Knox county, is hereby required to pay John McClellen for his services in running said line, whose receipt shall be good in the settlement of his accounts; and also the treasurer of Roane county, shall pay Joseph Taylor, for his services in running said line, whose receipt shall be good in the settlement of his accounts.

*Arrears of
taxes.*

Sec. 24. Be it enacted, That nothing herein contained shall be so construed, as to prevent the collector of Knox county from collecting the tax for the year one thousand eight hundred and one, and all arrearages of taxes.

Elections.

Sec. 25 Be it enacted, That the election for governor, representative or representatives to congress, and members of the general assembly, shall be held at the court houses of the counties of Anderson and Roane, by the sheriffs or their deputies, under the same rules and regulations as are prescribed by law, and on the days which elections for such purposes are authorized to be held, and those citizens of Anderson and Roane counties, formerly citizens of Knox county, shall be entitled to vote in their respective counties.

*Returning
officers*

Sec. 26 Be it enacted, That it shall be the duty of the returning officers of the counties of Anderson and Roane, to meet the returning officer of Knox county, in Knoxville, on the succeeding Monday, with the number of their respective polls, and with him compare the same; and the returning officer of Knox county, shall declare those duly elected members of the general assembly, and give certificates accordingly and it shall be the duty of said sheriff to transmit a just statement of the poll of election, for governor, representative or representatives to congress, to the speaker of the senate in the same manner as by law directed.

*Right of
suffrage.*

Sec. 27. Be it enacted, That the citizens of Anderson county, formerly part of Grainger, shall have the right of suffrage with the citizens of Claiborne county, in all elections for governor, representative

or representatives to congress, and members of the general assembly, until the next census shall be taken.

Sec. 28. Be it enacted, That James White and John Menefee, esquires or either of them, are hereby authorized and required to attend at the first court to be held for the county of Anderson, for the purpose of qualifying the members of said court.

Courts to be organized.

Sec. 29. Be it enacted, That John McClellan and Joseph Harden, esquires, or either of them are hereby authorized and required to attend at the first court to be held for the county of Roane, for the purpose of qualifying the members of said court.

Sec. 30. Be it enacted, That this act shall be in force in the county of Anderson, from and after the thirteenth day of December next, and in the county of Roane, from and after the twentieth day of the same month.

Act when in force.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 6, 1801.

CHAP. XLVI.

An ACT erecting part of the counties of Hawkins and Grainger into a separate and distinct county.

SECTION I **B**E it enacted by the General Assembly of the State of Tennessee, That Hawkins and Grainger counties be divided by the following line, (to wit) Begin-ning on the north bank of Clinch river where the Hawkins and Grainger line crosses the same, thence down the north bank of said river Clinch, to a

Line between Hawkins & Grainger.

point opposite where the Knox and Grainger line strikes the said river, thence north, forty five degrees well, to the line which divides this state from the state of Kentucky, thence east with said line, to where it intersects with the line which divides this state from the state of Virginia, thence due east with said line to a point from which a direct line to the beginning will leave six hundred and twenty five square miles in the county of Hawkins, and all that part of the aforesaid counties of Hawkins and Grainger contained within the lines before described, shall be a separate and distinct county by the name of Claiborne.

Claiborne.

Commissioners appointed.

Sec. 2. *Be it enacted*, That George Reel, John Vanbebber, Matthew Sims, Abel Langham, Joseph Webster, John Bulard, and Silas Williams, be, and they are hereby appointed commissioners, who, or a majority of them, are authorized to fix on a place the most central and convenient in said county of Claiborne, for the purpose of erecting a court house, prison and stocks, at which place the said commissioners are authorized and required to purchase land, and lay off a town to consist of forty lots, with proper streets and allies, which town shall be known by the name of Tazewell.

Tazewell.

Courthouse for Claiborne.

Sec. 3. *Be it enacted*, That said commissioners are authorized and required, as soon as may be, after agreeing on the place whereon the court house, prison and stocks are to be erected, and they have purchased land and laid off a town as aforesaid, to contract with suitable workmen for the purpose of erecting and building a court house, prison and stocks at the place aforesaid, for the benefit of said county; and the better to enable the commissioners aforesaid, to carry this act into effect:

Lots to be sold.

Sec. 4. *Be it enacted*, That they are authorized and empowered to sell the said lots at public sale, giving such credit as they in their wisdom may deem necessary. And for the securing the monies arising from the sale of the aforesaid lots:

Sec. 5. *Be it enacted*, That the said commissioners are hereby authorized and empowered to take ob-

sifications with sufficient security from the respective purchasers thereof, payable to themselves as commissioners, which said monies, the said commissioners are to collect and apply to the use of paying for the land whereon the said town shall have been laid off, and defraying the expences of erecting a court house, prison and stocks aforesaid, and in case the monies arising from the sale of the said lots, should not be sufficient to pay for the said land, and defray the expences as aforesaid:

Sec. 6. *Be it enacted*, That the court of Claiborne county are hereby authorized and empowered to lay *Taxes to be laid.* a tax, not exceeding twelve and an half cents on each white poll, twenty five cents on each black poll, twelve and an half cents on each hundred acres of land, twenty five cents on each town lot, and one dollar on each stud horse kept for covering mares, which tax shall not be laid for more than three years, and shall be collected, accounted for, and paid into the hands of the said commissioners, under the same rules and restrictions as are observed in collecting, accounting for, and paying public taxes.

Sec. 7. *Be it enacted*, That said commissioners before entering on the duties of their appointment, *Comm'rs to give bond.* shall enter into bond, in the sum of fifteen hundred dollars, payable to the chairman of the court of Claiborne county, and his successors in office, for the use of said county of Claiborne, conditioned for the faithful discharge of the trust reposed in them, and shall take and subscribe the following oath: *Their oath.* I, A. B. do swear (or affirm as the case may be) that I will, as a commissioner to act for the county of Claiborne, do equal and impartial justice to the citizens of said county, to the best of my skill and judgment. SO HELP ME GOD; which bond, together with a copy of the said oath, shall be filed in the clerk's office, for said county of Claiborne.

Sec. 8. *Be it enacted*, That the first court of Court Claiborne county, shall be held by the justices of the *when and where to be held.* said county, on the first Mondays in March, June, September and December, in every year, and the justices thereof are hereby authorized and empow

ered to hold the first court for the same at the dwelling house of John Owens, on the first Monday in December next, and all subsequent courts for said county on the days above mentioned, for holding courts therein, at any place to which the said justices from court to court may adjourn themselves, until a court house shall be built for the said county of Claiborne, then all matters and things pending in said court, and all manner of process returnable to the same, shall be adjourned to said court house, and all courts held in & for said county of Claiborne shall be held by commission to the said justices in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers and jurisdiction, as are or shall be prescribed for the courts in the several counties in this state.

*Annexed
to Hamil-
ton dist.*

*Arrears of
taxes.*

Sec. 9. *Be it enacted*, That the aforesaid county of Claiborne, be, and the same is hereby declared to compose a part of the district of Hamilton, in the same manner, and for all purposes civil or military, as other counties in the said district doth. *Provided*, nothing herein contained shall be so construed as to prevent the sheriffs or collectors of the said counties of Hawkins and Grainger from collecting all arrearages of public and county tax within the limits of the said county of Claiborne, in the same manner as if this act had not been passed.

*Line be-
tween Clai-
borne and
Anderson.*

Sec. 10. *Be it enacted*, That Walter Evans, be, and is hereby appointed a commissioner on the part of the county of Claiborne, to act with one from the county of Anderson, to run the line between the aforesaid counties, from the river Clinch, to the Indian boundary line, for which services he shall be allowed the sum of two dollars for each day he may necessarily be employed running said line, which expence is to be paid by the county of Claiborne.

*Determin-
ation of
jests.*

Sec. 11. *Be it enacted*, That all proceedings now pending in the county courts of Hawkins and Grainger, shall be proceeded on and determined in the same manner as if this act had not been passed.

Elections.

Sec. 12. *Be it enacted*, That the said county of Claiborne be a part of the districts for electing go-

vernor, representative or representatives to congress, a senator and representative to the general assembly to which it has heretofore belonged; and the election shall be held at the court house or usual place of holding courts in said county, at the time and in the manner by law directed, and the sheriff or returning officer shall make a return of the polls at the court house in Rutledge, on the succeeding day of the election to the sheriff or proper returning officer for Grainger county, which shall be received and considered to be a part of the election of the said county of the said Grainger, any law to the contrary notwithstanding.

Sec. 13 *Be it enacted*, That Clinch river, and the path leading from the mouth of Greely Rock creek to the head of Mulberry creek, shall be the dividing line between the county of Hawkins and the county of Claiborne, until the true line shall be ascertained. *Provisional line.*

Sec. 14. *Be it enacted*, That it shall be the duty of the sheriff of Claiborne county to hold an election at the place of holding courts, on the last Friday and the day succeeding, in February next, for the purpose of electing one colonel and two majors for the regiment of said county. which election shall be held under the same rules, regulations and restrictions, as prescribed by law for holding elections for such officers. *Elections when to be held.*

Sec. 15 *Be it enacted*, That the commissioners by this act appointed for fixing on the place for erecting a court house, prison & stocks, shall, when they have performed the duties enjoined on them by this act, lay before the court of said county of Claiborne, a regular statement of all their proceedings, and the said court are hereby required to allow them a reasonable compensation for their services, to be paid out of any county monies not otherwise appropriated. *Commrs to settle.*

Sec. 16 *Be it enacted*, That Joseph Cobb, and Andrew Evans, esquires, or either of them, or any other justice of the peace of Grainger county, are

hereby required to attend at the first court to be held for Claiborne county, for the purpose of qualifying the members of said court.

All when in force. Sec. 17. *Be it enacted,* That this act shall be in force from and after the sixth day of December next.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. XLVII.

An ACT to annex part of Grainger county to the county of Knox.

Line altered.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That all that part of Grainger county herein described, shall be annexed to, and be a part of Knox county: Beginning at the first bluff above Boyles's old place, running up the several meanders of Holston river to the upper corner of a survey of land claimed by William Cobb, next, below James Vance, thence a direct line to the Richland road, where the Knox and Grainger line crosses it.

Compensation to surveyor.

Sec. 2. *Be it enacted,* That Nathan B. Markland, is hereby appointed to run the aforesaid line, and shall receive the sum of three dollars for the same, to be paid by the county of Knox.

Reservation.

Sec. 3. *Be it enacted* That nothing herein contained shall be construed as to prevent the sheriff of Grainger county from collecting the taxes for the

year of one thousand eight hundred and one, and all arrearages.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

C H A P. XLVIII.

An ACT for annexing part of Wilson county to Smith county, and forming two distinct counties thereof.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the bounds of Smith county shall *Bounds of* be as follows, viz. Beginning one mile due west of the *Smith* south east corner of Sumner county, on the south *county.* bank of Cumberland river, thence south, twenty three degrees east, to the Indian boundary, thence along the same until it intersects the Caney Fork road, thence along the dividing ridge between Martin's creek and Flinn's creek to the river, thence up the river one half mile above the ferry landing at Fort Blount, thence a due north course until it strikes the state line, thence west along the state line, to the corner of Sumner county, thence south along the Sumner line to the river, thence down the same to the beginning.

Sec. 2. *Be it enacted,* That a new county be established by the name of Jackson, to be contained *Jackson* within the following described bounds, (viz.) *county.* Beginning on the state line, at the north east corner of Smith county, thence east along the state line to where it intersects the Indian boundary, thence along the same to where it crosses the Caney Fork road,

thence along the eastern boundary of Smith county to the beginning.

Arrears of taxes. Sec. 3. *Be it enacted* That it shall and may be lawful for the sheriff of Smith county to collect the taxes for the present year, and all arrearages of taxes, for every and any preceding year, in the same manner and with a full authority as if this act had not been passed; and Smith county shall be liable for the payment of every demand that any of the citizens of Jackson county, heretofore a part of said county may legally have for services rendered the said county of Smith; and it is moreover understood that the sheriff of Wilson county shall have the same power and authority as the sheriff of Smith, for the collection of the taxes of that part of Wilson county which is by this act annexed to Smith county.

Court when and where to be held. Sec. 4. *Be it enacted*, That the courts of pleas and quarter sessions of Jackson county, shall be held on the second Mondays in December, March, June, and September, at the house of John Bowen on Roaring river, with the same power and authority as other courts of pleas and quarter sessions heretofore established by law.

Commissioners appointed. Sec. 5. *Be it enacted*, That Charles Cavanaugh, esquire, William Sullivan, senior, Andrew Greer, Thomas Smith, senior, and Thomas Draper, be, and are hereby appointed commissioners, who, or a majority of them, shall have full power and authority to procure by purchase, or otherwise, forty acres of land, for the purpose of erecting a court house, prison, and stocks, as near the centre of the county, as the situation will admit of, and to take a deed or deeds of conveyance for the same in their own names as commissioners, in trust for the county, which shall be good and valid in law, and shall vest in them and their successors in office, a complete title for the uses in this act expressed, and the said commissioners shall, by a majority, have full power to elect any suitable person or persons to fill any vacancies that may happen in their own body, by death, resignation or otherwise.

Sec. 6. *Be it enacted*, That the said commission.

ers, or a majority of them, shall, as soon as may be, after purchasing and obtaining a title to forty acres of land as aforesaid, cause a town to be laid off thereon, to be called and known by the name of Smithfield, for county purposes, reserving one and an half acres near the centre thereof, on which shall be erected the court house, prison and stocks of the said county, which one acre and an half in the plan of the said town, shall be denominated the public square.

Sec. 7. *Be it enacted*, That it shall be the duty of the commissioners to attend at the place of holding court in said county, on the first Monday in December next, to designate a place where the court house, prison and stocks shall be erected for said county, and the commissioners shall, before they proceed upon the duties of their appointment, take the following oath, to wit: I, A. B. do solemnly swear or affirm (as the case may be,) that as a commissioner for Smith county, I will do equal and impartial justice to the people, and endeavor to fix the public buildings as near as possible to the requisitions of this act. So help me GOD. *Commrs duty.*

Sec. 8. *Be it enacted*, That the said commissioners be, and they are hereby authorized to sell the lots of the said town at public sale, at a credit of six months, giving thirty days previous notice of such sale by advertisement, at four or more of the most public places in the said county, taking bond with sufficient security for the payment of the purchase money, to themselves and their successors in office; and the said commissioners, or a majority of them, are hereby authorized to execute in due form of law, deeds of conveyances in fee simple for the same to the purchasers, which shall be good and valid in law to all intents and purposes. *Lots to be sold.*

Sec. 9. *Be it enacted*, That the money arising from the sale of the aforesaid lots, shall be by the said commissioners applied to the building the court house, prison and stocks, and they are authorized to contract with a suitable person or persons to erect the same, the court house to contain convenient *Courthouse to be built.*

rooms for the juries, and the prison to consist of two rooms at least.

Tax to be laid.

Sec. 10. *Be it enacted,* That the said commissioners shall keep a fair and regular account of all monies by them received and expended, which shall be laid before the court of said county when demanded, and the said court shall have full power and authority to levy a county tax for the purpose of defraying the expence of the public buildings; Provided, That the said tax shall not exceed six and one fourth cents on every white poll between the age of twenty one and fifty years, a tax not exceeding twelve and an half cents on every black poll between the age of twelve and fifty years, a tax not exceeding one dollar on each stud horse kept for the purpose of covering mares, and a tax not exceeding six and a fourth cents on each hundred acres of land in any one year, which shall be collected in the same manner, and by the same persons as public taxes are, & monies arising from said taxes, shall be paid by the collector thereof, first deducting the same per centum for collection, as is by law allowed for the collection of public taxes, into the hands of the aforesaid commissioners, or a majority of them, to be applied to the purposes aforesaid.

Comm'rs to give bond.

Sec. 11. *Be it enacted,* That the said commissioners shall give bond with sufficient security, in the sum of five thousand dollars, payable to the chairman of the court of said county and his successors in office, conditioned for the faithful performance of the duties enjoined on them by this act.

And make settlement.

Sec. 12. *Be it enacted,* That the said commissioners, when the buildings are completed, shall lay before the court of said county, a fair and just statement of the costs and expences of said purchase and buildings, together with receipts, and shall be allowed a reasonable compensation for their services by the said court; Provided, five, or a majority of the acting justices of said court be present when such allowance is made.

Elections.

Sec. 13. *Be it enacted,* That elections for members to the general assembly, the governor, and mem-

ber or members of congress, shall be held at the court house of Jackson county, on the days on which elections for such purposes are authorised to be held, and the sheriff of Jackson county shall meet the sheriff of Sumner county at the court house of said county, on the succeeding Monday, and with him examine the respective polls of election, and declare the persons duly elected members to the general assembly, and give certificates accordingly to the persons duly elected, and it shall be the duty of the said sheriff to transmit a statement of the poll of election for governor and member or members to congress, to the speaker of the senate, in the same manner as directed by law, as the duty of sheriffs of counties heretofore established.

Sec. 14. *Be it enacted*, That it shall be the duty of the sheriff of the county of Jackson, to hold an election at the place of holding court in the county of Jackson, on the first Thursday of March and the succeeding day, for the purpose of electing one colonel and two majors for the county of Jackson, under the same rules, regulations and restrictions, as prescribed by law for the election of such officers. *Military election.*

Sec. 15. *Be it enacted*, That the elections for company officers for the county of Jackson, shall be held at their respective company muster grounds on the last Saturday of May next, in the same manner and form as appointed by law for electing company militia officers. *Company elections.*

Sec. 16. *Be it enacted*, That the county of Jackson shall be in all cases whatsoever, considered as a part of the district of Mero. *Annexed to Mero district.*

Sec. 17. *Be it enacted*, That Willis Jones is hereby appointed a surveyor to run the lines of Smith county as prescribed by this act, and that Lewis M'Farland, is hereby appointed to mark the said line, and when compleated, the said surveyor shall receive two dollars per day, and the marker one dollar per day, as full compensation for their services, to be paid by the said county of Smith. *Line to be run.*

Sec. 18. *Be it enacted*, That it shall and may be lawful for Moses Fisk, esquire, or any other justice *Court to be organ-*

ized.

of Smith county, to attend at the time and place of holding the first court in Jackson county, and is hereby authorized and empowered to administer the oath of office to the justices of said county.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 6, 1801.

CHAP. XLIX.

An ACT to establish the bounds of Wilson county, and to appoint commissioners for laying off a town therein.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the bounds of Wilson county shall be as follows, viz. Beginning on the south bank of Cumberland river, at the mouth of Drake's lick branch, it being the upper corner of Davidson county, running from thence up the said river, with the middle of the channel of the same, to Smith county line, thence south, twenty three degrees east, along the said Smith line, to the Indian boundary line, thence westwardly with said Indian line, to Davidson county line, thence northwardly along said Davidson county line to the beginning.

Bounds of
Wilson
county.

Comm'rs
appointed.

Sec. 2. *Be it enacted*, That Christopher Cooper, doctor Alanson Trigg, Matthew Figures, John Harpole, and John Doak, esquire, be, and they are hereby appointed commissioners, who, or a majority of them, shall have full power and authority, and are hereby authorized and empowered to fix on a place the most central and convenient in the aforesaid county of Wilson, and to purchase forty acres of

land, having special regard to good water, and situation for purpose of erecting a court house, prison and stocks thereon, and it shall be the duty of the sheriff of said county, as soon as may be, to notify said commissioners, to attend at the next succeeding court of said county after such notification, and the said commissioners shall give bond with sufficient security, in the sum of five hundred dollars each, payable to the chairman of the court of said county, and his successors in office, conditioned for the faithful performance of the duties enjoined on them by this act.

Sec 3. *Be it enacted*, That the aforesaid commissioners or a majority of them, are hereby authorized & required, as soon as may be, after agreeing on the place on which the court house, prison, and stocks shall be erected in the said county of Wilson, to agree and contract with suitable workmen to erect and build the same, for the use and benefit of said county, on the best terms which can be obtained for the accomplishment thereof.

*Court-house
for Wilson
county.*

Sec 4. *Be it enacted*, That the said commissioners, or a majority of them, as soon as may be, after purchasing the aforesaid forty acres of land, shall take a deed or deeds of conveyance for the same, in their own names as commissioners, in trust for the county aforesaid, which shall be good and valid in law, and shall vest in them and their successors in office, a full and compleat title for the uses in this act expressed, and they shall cause a town to be laid off thereon, to be called and known by the name of Lebanon, for county purposes, reserving one acre near the centre thereof, on which shall be erected the court house, prison and stocks aforesaid, which one acre, in the plan of said town, shall be denominated the public square; and the said commissioners shall sell the lots of said town at public sale, giving six months credit, and thirty days previous notice of such sale by advertising at four or more of the most public places in said county, taking bond with sufficient security, for the payment of the purchase money, to themselves and their successors in office; and the said commissioners or a majority of them,

*Town of
Lebanon.*

are hereby authorized to execute in due form of law, deeds of conveyance in fee simple for the same, to the purchasers which shall be good and valid in law to all intents and purposes.

Monies ap-propriated Sec. 5. *Be it enacted,* That the monies arising from the sale of the aforesaid lots, shall be applied to the payment of the building of the aforesaid court house, prison and stocks; and the said commissioners are authorized to cause the said court house, to contain two convenient jury rooms, and the prison to consist of two apartments at least.

Tax to be laid in Wilson. Sec. 6. *Be it enacted,* That the court of said county of Wilson shall have power to lay a tax: *Provided,* five of the acting justices of said county be present when the taxes are laid, which tax shall not exceed twelve and an half cents on each hundred acres of land, nor twenty five cents on each town lot, nor five between the age of twelve and fifty years, nor twelve and half cents on each free poll between the age of twenty one and fifty years, nor one dollar on each stud horse kept for covering mares, & not exceeding five dollars on each billiard table, the said tax to be continued from year to year until a sufficient sum be collected for the purposes aforesaid, to be collected & accounted for by the sheriff or collector of the aforesaid county, & paid to the said commissioners at the same time, and in the same manner, and under the like penalties and restrictions as are or may be directed, for collecting, accounting for, and paying public taxes, which said monies so arising, shall be appropriated to carrying this act into effect.

Co-app Sec. 7. *Be it enacted,* That the commissioners aforesaid shall have full power to elect a suitable person or persons to fill any vacancies that may happen in their own body, by death, resignation, or otherwise.

Commrs to settle. Sec. 8. *Be it enacted,* That the commissioners aforesaid, or a majority of them, as soon as the said buildings are completed, shall lay before the court of said county, a fair and just statement of the costs and expenditures of said purchase and buildings, to

gether with their disbursements and receipts, & they shall be allowed a reasonable compensation for their services by the said court: *Provided*, That five of the acting justices of said county be present when such allowance is made.

Sec. 9. *Be it enacted*, That all laws or parts of laws that come within the purview and meaning of this act, are hereby repealed and made void, any thing to the contrary notwithstanding. *Repealing clause.*

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

Passed—November 13th, 1801.

CHAP. L.

An ACT to amend an act, passed October the twenty sixth, one thousand seven hundred and ninety nine, entitled, "An act reducing the limits of Sumner county, and establishing two new counties; and repealing an act passed October the second, one thousand seven hundred and ninety seven, respecting commissioners for purchasing land, laying out a town and erecting a court house, prison and stocks in said county, and appointing commissioners for that purpose.

WHEREAS the commissioners appointed by the before recited act, have not executed the duties of their appointments, which renders it necessary for this legislature permanently to establish the place of holding courts within said county, as near as may be, *Preamble.*

Section 1. *BE it enacted by the General Assembly* Courthouse of the State of Tennessee, That the public buildings of Sumner

of Sumner county, shall be established and erected at one of the three hereafter named places, situated and lying on the east fork of Station Camp creek, viz. on the place known by the name of Dickens's, now said to be the property of John C. Hamilton, esq. or at the place of captain James Trousdale, whereon he now lives, lying on the road that leads from major David Wilson's to John Dawson's, on Station Camp creek; or at the place whereon David Shelby now lives.

*Commrs
appointed*

Sec. 2. *Be it enacted*, That Samuel Donelson, Shadrach Nye, James Wilson, (curly, son of Samuel Wilson.) Charles Donaho, esquire, and maj. Thomas Murray, be, and they are hereby appointed, or majority of them, commissioners to purchase forty acres of land, out of either of the aforesaid mentioned tracts, that can be had or obtained on the most reasonable terms (having regard to situation and water) on some part of which (when so obtained) shall be erected the court house, prison and stocks of said county, but should it so happen that the aforesaid commissioners or a majority of them, cannot purchase or procure by any means, either of the aforesaid places, for the use and purposes above mentioned, then and in that case only, it shall be the duty of the aforesaid commissioners, or a majority of them, to purchase the aforesaid quantity of forty acres of land, at a situation that may appear to them the most eligible for the purposes aforesaid, to lie within the following limits herein prescribed, that is to say, not exceeding two miles east, nor exceeding a like distance west of a centre line run through said county of Sumner, by Edward Gwinn and Wallace Harris, nor south of the road leading from Bledsoe's lick, to colonel William Henderson's, on Drake's creek, nor north of the foot of the ridge dividing the waters of Red and Barren rivers, from those of Cumberland river; and the said commissioners, or a majority of them, after having purchased as aforesaid, shall take a deeds of conveyance for the same in their own names, as commissioners, in trust for the county, which shall be good and valid in law, and shall vest in them, and their successors in office,

*Co
app*

complete title for the uses and purposes in this act expressed, and if the said commissioners, or a majority of them, should refuse, neglect, or fail to do, so as not to carry into full and complete effect the intent and acquisitions of this act then and in that case, the county court is hereby authorized and required and it shall positively be their duty, to appoint from time to time, such other commissioner or commissioners, who, or a majority of them, are hereby vested with full and ample powers to carry the same into complete effect and operation, according to the true intent and meaning of this act.

Sec. 3. *Be it enacted*, That the said commissioners, or a majority of them, shall, as soon as may be, survey and obtain a title to forty acres of land, and cause a town to be laid off hereon, to be called and known by the name of Gallatin, for twenty lots, reserving one and an half acre near the centre thereof, on which shall be erected the courthouse, prison and stocks for said county, which one and an half acre shall be denominated the public square.

*Town of
Gallatin.*

Sec. 4. *Be it enacted*, That the said commissioners or a majority of them, be, and they are hereby authorized and empowered to sell the lots of said town at public sale to the highest bidder, at a credit of six months, giving thirty days previous notice of such sale, by advertising the same in the Nashville Gazette, and at four or more of the most public places in said county, taking bond with sufficient security for the purchase money, to themselves and their successors in office, to, and for the use of said county, and the said commissioners, or a majority of them, are hereby authorized to execute in due form of law, deeds of conveyance in fee simple for the same to the purchasers, which shall be good and valid in law to all intents and purposes.

*Lots to be
sold.*

Sec. 5. *Be it enacted*, That the money arising from the sale of the aforesaid lots by the said commissioners, shall in addition to the money already appropriated for the purposes aforesaid, by the said county of Sumner, be applied to the payment

*Money ap-
propriated.*

of the land by them purchased, and the building of the court house, prison and stocks, and they are authorized to receive proposals, and contract with a suitable person or person or persons to erect the same, the court house to have convenient rooms for the juries, and the prison to consist of two rooms at least.

Money ap-propriated Sec. 6. *Be it enacted*, That the monies already appropriated by the county of Sumner, for the purposes aforesaid, shall be paid into the hands of the said commissioners, or a majority of them, and be by them appropriated as by this act directed, of which all officers in the county of Sumner, in whose hands any of the monies heretofore collected or may be hereafter collected for the purposes aforesaid, are hereby required to take notice at their peril, and it shall be their duty to settle with, and pay the same into the hands of said commissioners, or a majority of them, taking a receipt or receipts for the same, which shall be to said officers good vouchers in the settlement of their accounts.

Taxes. Sec. 7. *Be it enacted*, That the said commissioners shall keep a fair and regular account of all monies by them received and expended, which shall be laid before the court of said county occasionally, and if the monies already appropriated shall not be sufficient to defray the expence of the purchase of the land by them purchased, and the erection of the court house, prison and stocks, the court, or any five thereof, shall have full power, and it shall be their duty to lay a county tax to make up the deficiency: *Provided*, That the said tax shall not exceed six and one fourth cents on each white poll, twelve and an half cents on each black poll, six and one fourth cents on each hundred acres of land, twelve and an half cents on each town lot, fifty cents on each stud horse, kept for the season of mares, & five dollars on each billiard table, for each year, which tax shall be continued from year to year, until said buildings are completed, for the purposes aforesaid, and the sheriff is hereby authorized and required, and it shall be his duty to collect and account with said commissioners, or a majority of them for the same

under such restrictions, and with such emoluments as he collects other taxes.

Sec. 8. *Be it enacted*, That the said commissioners shall give bond with sufficient security in the sum of two thousand five hundred dollars, payable to the chairman of the court of said county, and his successors in office conditioned for the faithful performance of the duties enjoined on them by this act. *Comm'r's bond.*

Sec. 9. *Be it enacted*, That the said commissioners, when the buildings are completed, shall lay before the court of said county, a fair and just statement of the costs and expences of said purchase and buildings, together with their receipts, and shall be allowed a reasonable compensation for their services by the said court: *Comm'r's to settle.* *Provided*, That five of the acting justices of said county be present when such allowance is made.

Sec. 10. *Be it enacted*, That if any three of the justices composing said court when in session, shall agree in the appointment of a commissioner or commissioners in the room or stead of those refusing or neglecting to act, if any such should be, such commissioner or commissioners so appointed, are hereby declared to have the same power and authority, as those originally appointed by this act; and subject to the same rules, regulations, and restrictions, and under the same penalties in all respects whatever, as those were in whose room and stead he or they were so appointed. *Vacancies.*

Sec. 11. *Be it enacted*, That it shall be the duty of the sheriff of said county, as soon as he shall be furnished with a copy of this act, to notify the aforesaid commissioners of their appointments, requiring them to attend the next succeeding court after such notification, in order to enter on the duties enjoined on them by this act, and said commissioners when so qualified, shall carry into effect as soon as may be, the duties herein required of them. And whereas there are great inconveniences arising to the inhabitants of the said county of Sumner, to wit: *Sheriff's duty.*

tend general elections and general musters, where the court now sits,

Elections.

Sec. 12. *Be it enacted*, That all general elections and general musters in said county, shall, from and after the first day of January next, be held at the now dwelling house of captain James Tronf-dale, on the road leading from major David Wilson's to John Dawson's, on Station Camp creek, under the same rules, regulations, and restrictions, as is by law prescribed for holding the same at the court house, until the court of said county shall receive the afore-said public buildings of said commissioners, and then said elections and musters shall be held at the court house so received, any law, usage, or custom to the contrary notwithstanding.

Repealing clause.

Sec. 13. *Be it enacted*. That all laws or parts of laws that come within the purview and meaning of this act, are hereby repealed and made void, any law, usage, or custom to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 6, 1801.

CHAP. LI.

An ACT ascertaining the bounds of Montgomery county, and for annexing part of Robertson county thereto.

*Courts of
Montgo-
mery.*

SECTION 1.

BE it enacted by the General Assembly of the State of Tennessee, That from & after the passing of this act the bounds & limits of Montgomery county shall be

as follows, viz. Beginning one hundred and fifty yards east of captain Josepa Woollock's house, on the Sulphur fork, thence south, to the latitude of captain James Hollies, thence east to a point twelve and an half miles east of the meridian of the court house in the town of Clarksville, thence south to a point, twenty five miles south of the Kentucky line, thence west to the Indian boundary line, thence with said boundary line to the Kentucky line aforesaid, thence with said line east to a point, from which a due south course will strike the beginning.

Sec. 2. *Be it enacted*, That Henry Johnson and Benjamin Weakley, or either of them, be, and they are hereby appointed commissioners to run and mark the lines which shall divide Montgomery from Robertson county, who shall be allowed the sum of two dollars per day each, and the chain carriers and marker one dollar per day each, for every day they shall be necessarily employed in running said lines, to be paid by the county of Montgomery. *Commrs' duty.*

Sec. 3. *Be it enacted*, That nothing herein contained shall be so construed as to prevent the sheriff of Robertson county from collecting the taxes now due from the inhabitants who shall fall into Montgomery county, nor the sheriff of Montgomery county, from collecting the taxes due from those who may fall into Robertson county, by virtue of this act. *Arrears of taxes.*

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LII.

An ACT to enlarge the bounds and extend the jurisdiction of Blount county.

Bounds of Blount. Section 1. **B**E it enacted by the general assembly of the state of Tennessee, That the boundaries of Blount county shall be extended as follows, viz. Beginning on the eastern boundary of this state where the Sevier county line strikes the same, thence with the North Carolina boundary to the southern boundary of this state, thence with the southern boundary of this state to where it strikes the river Tennessee, thence up said river to the boundary of Knox county, thence with a line described by an act, entitled "An act extending and describing the bounds of Blount county," passed at Knoxville, December the twenty eighth, in the year of one thousand seven hundred and ninety eight, to the beginning.

Service of process. Sec. 2. *Be it enacted,* That it shall and may be lawful for the sheriff, coroner, or any constable of said county, to execute any process criminal or civil, within the said described limits of Blount county.

Act when in force. Sec. 3 *Be it enacted,* That this act shall be in force and use from and after the passing thereof.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LIII.

An ACT to appoint a commissioner to run the line between the counties of Greene and Cocke.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee, That* *Comm'r appointed.*
B David Stuart, be, and is hereby appointed a commissioner to run the line between the counties of Greene and Cocke, agreeably to an act, entitled, "An act to add part of Greene county to the county of Cocke," passed at Knoxville, the second day of January, one thousand seven hundred and ninety nine.

Sec 2 Be it enacted. That Thomas Holland, be, *Marker.*
 and is hereby appointed to attend with said David Stuart, to mark the line between the counties aforesaid.

Sec. 3 Be it enacted, That David Stuart shall receive two dollars per day for running, and Thomas Holland one dollar per day for marking said line, to be paid by the treasurer of Cocke county, and their receipts shall be sufficient vouchers in the hands of the treasurer in the settlement of his accounts. *Compensation.*

Sec. 4 Be it enacted, That the said David Stuart, shall take an oath before some justice of the peace in Greene county, that he will justly and truly run the aforesaid line according to law. *Oath.*

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LIV.

An ACT appointing commissioners to run and mark the line between the counties of Greene and Washington, agreeably to an act passed at Hillsborough, in the year one thousand seven hundred and eighty three

BE it enacted by the general assembly of the state of Tennessee, That James Patterson is hereby appointed surveyor, and John Parks marker on the part of Greene county; and Joseph Brown surveyor, and George Davis marker on the part of Washington county, to run and mark the line between the counties of Greene and Washington, agreeably to an act passed at Hillsborough, in the year one thousand seven hundred and eighty three, and each of the surveyors shall receive two dollars, and each of the markers one dollar for each day they may be necessarily employed in said business, to be paid by the treasurer of their respective counties, whose receipts shall be good in the settlement of their accounts.

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. LV.

An ACT appointing commissioners to run the boundary line between the counties of Grainger and Hawkins.

Section. 1. **BE** it enacted by the general assembly of the state of Tennessee That *Commrs* Joseph Cobb, esquire, is hereby appointed a *appointed* commissioner to run the line between the aforesaid coun-

ties of Grainger and Hawkins, from the south west corner of Joel Dyer's and Thomas Henderson's land, to Clinch river, agreeably to an act of assembly, passed at Knoxville, in the year one thousand seven hundred and ninety nine, entitled, " An act describing and extending the bounds of Grainger county "

Sec. 2. *Be it enacted*, That the said commissioner is hereby authorized to employ a marker to mark said line. *Marker.*

Sec. 3. *Be it enacted*, That the said commissioner shall be allowed the sum of two dollars per day, and the marker one dollar per day, for each day they may necessarily be employed running said line, which expence is to be paid by the county of Grainger, and their receipts shall be sufficient vouchers with the treasurer in the settlement of his accounts. *Compensation.*

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. LVI.

An ACT to appoint commissioners to mark the line between the counties of Greene and Hawkins, agreeably to an act passed at Fayetteville, in the year of one thousand seven hundred and eighty six.

BE it enacted by the General Assembly of the state of Tennessee, That Daniel Carter, esquire, of the county of Greene, and William Payne, esquire, of the county of Hawkins, be, and they are hereby appointed commissioners to mark and designate the line between the coun-

ties of Greene and Hawkins, agreeably to an act of assembly passed at Fayetteville, in the year of one thousand seven hundred and eighty six, and shall receive for their services the sum of two dollars for each day they may necessarily attend on said business, to be paid by the treasurer of their respective counties out of the county monies, whose receipts shall be good in the settlement of the accounts of said treasurer.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 10, 1801.

CHAP. LVII.

An ACT to establish the eastern boundary line of Davidson county, on the south side of Cumberland river.

Boundary of Davidson. SECTION I **B**E it enacted by the General Assembly of the State of Tennessee That from and after the passing of this act, the eastern boundary line of Davidson county, on the south side of Cumberland river, shall be as follows, viz. Beginning at the mouth of Drake's Lick branch, on the south side of Cumberland river, and running with the original Davidson county line, southwardly to a point on said line northeast from the mouth of Hurricane creek, which runs into Stone's river on the south west side, thence a direct line from the aforesaid point, to the ridge above the mouth of the first large Cedar fork coming into Falling creek on the south side above Robert Smith, thence with said ridge an eastwardly course to the main dividing ridge between Falling creek and Bradley's creek, thence

a direct course to Bradley's creek at Donaho's spring, thence continuing the same course, to the main ridge between said creek and the south fork of the same, thence south, forty five degrees east, to the Indian boundary line, thence with said line westwardly to Williamson county, thence with said county line, north, and continuing with the lines of said county and the lines heretofore established of said county of Davidson, to the beginning.

Sec. 2 *Be it enacted*, That this act shall be in force from and after the first day of January next: *Act when in force.*
Provided That nothing herein contained shall be so construed as to prevent the sheriff or collector of taxes of Wilson county, to collect all taxes that may be due from that part of Wilson county, which is added to Davidson county by this act.

Sec. 3 *Be it enacted*, That all laws or parts of laws that come within the purview and meaning of this act, are hereby repealed and made void, any law, usage, or custom to the contrary notwithstanding. *Repealing clause.*

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 6th, 1801.

CHAP. LVIII.

An ACT authorizing the courts of Davidson and Wilson counties each, to appoint one surveyor to run and designate the true line as pointed out by act of assembly between said counties.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee, That*
the court of Davidson county shall
Surveyors to be appointed. *appoint one surveyor, and the court of Wilson county shall also appoint one surveyor, which surveyors so appointed, are hereby authorized to run and designate the dividing line between the aforesaid counties, as pointed out by act of this present general assembly, for which services each of the surveyors shall be allowed the sum of two dollars per day, and the chain carriers and markers each one dollar per day, which expences shall be equally paid by both counties.*

Line to be run. *Sec. 2. Be it enacted, That if either of the county courts above mentioned, should fail or neglect to appoint a surveyor, as directed by this act, and the other county should appoint a surveyor, the said surveyor so appointed, is hereby directed to proceed to run the aforesaid line as described by this act; and the line so run and designated between said counties, shall be returned to the clerks of said counties, provided both surveyors attend; and should but one attend and run the same, then, and in that case, he shall make return to the clerk of the county for which he shall be appointed, and the clerk shall enter the same of record, which*
Surveyors' duty. *shall be considered as part of his ex officio services.*

Sec. 3. Be it enacted, That the said surveyors so appointed, or either of them, shall run and designate the aforesaid line, on or before the first day of May next, any law, usage, or custom to the contrary notwithstanding.

WILLIAM DICKSON,
Speaker of the House of Representatives.
 JAMES WHITE,
Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. LIX.

An ACT to apportion the jurors to the counties of Grainger, Claiborne and Knox.

BE it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, the county of Grainger shall send four jurors to the superior court for the district of Hamilton; and the county of Claiborne three; and the county of Knox seven, any thing to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 14, 1801.

CHAP. LX.

An ACT authorizing and requiring the court of Grainger county to lay an additional county tax for the purposes therein mentioned.

WHEREAS it is represented, that in the year one thousand seven hundred & ninety seven, *Preamble.* Henry Howell, James Fears, Michael Massingill, and William Millikin, were legally appointed commissioners to purchase & lay off a place in the county of Grainger for the purpose, of erecting a court house, prison and stocks, and were vested with full power to contract and agree with a suitable workman for erecting and building a court house, prison and stocks for the use and benefit of said county; and that in pursuance of the powers vested in them, they did proceed to purchase & lay off a place for the purposes aforesaid, and did contract and agree with Charles Smith, to

erect and build the said court house, and gave him their bond for a considerable sum of money, as compensation for the same, & were afterwards compelled to pay a considerable part of said sum out of their own private monies; notwithstanding, the court of said county received the said house, after it was finished by the said Smith agreeably to his contract, and continued to use it as their court house for near two years; and the said commissioners, and sundry others, inhabitants of said county, hath petitioned this general assembly to enact a law to enable them, the said commissioners, to receive the amounts by them respectively paid as aforesaid, out of the monies of the said county of Grainger: Therefore,

Allowance to commis's Section 1. *BE it enacted by the general assembly of the State of Tennessee,* That the said commissioners may, and are hereby authorized to receive from the trustee of said county, the sum of two hundred dollars, as full compensation for the monies by them paid for the building of the court house aforesaid; and the said trustee is hereby required to pay the same, and their receipt or receipts in his hands for that amount, shall be good vouchers in the settlement of his accounts.

Tax to be laid. Sec. 2 *Be it enacted,* That the county court of Grainger, shall lay a tax annually, not exceeding two years, from and after the first day of January next, for the purpose of raising the aforesaid sum of two hundred dollars; which tax when laid; shall not exceed twelve and an half cents on each white poll, twenty five cents on each black poll, twelve and an half cents on each hundred acres of land, twenty five cents on each town lot, one dollar on each stud horse kept for covering mares, and ten dollars on each billiard table.

Money appropriated. Sec. 3 *Be it enacted.* That if any money collected by virtue of this act, shall remain after paying the aforesaid sum of two hundred dollars, it shall

be appropriated to the use of the said county of Grainger as other county monies.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13th, 1801.

CHAP. LXI.

An ACT to authorize the court of Knox county to lay a tax for the building a prison and stocks in Knoxville.

SECTION 1. *BE it enacted by the General Assembly of the state of Tennessee, That Tax to be*
the court of Knox county are laid.
hereby authorized to lay a tax, not exceeding twelve and half cents on each hundred acres of land, nor twelve and half cents on each white poll, nor twenty five cents on each town lot, nor twenty five cents on each black poll, nor one dollar on each stud horse kept for covering mares, nor twenty five dollars on each billiard table, the said tax to be laid from year to year until a sum shall be collected sufficient to pay for the building a prison and stocks in the town of Knoxville.

Sec. 2. *Be it enacted, That Charles McClung, Robert Houtton, and Joseph Greer, are hereby ap*
pointed commissioners to contract with a suitable workman to build the said prison, which shall consist of two rooms at least.
Comm'rs appointed.

Sec. 3. *Be it enacted, That the said tax shall be*
collected by the collector of public taxes for the
collected.
Tax to be collected.

county of Knox, and be by him paid into the hands of the said commissioners, on the same per cent. as other county tax, and their receipts shall be good in the settlement of his account.

*Commrs
to give
bond*

Sec. 4. *Be it enacted*, That before the said commissioners shall receive any of the monies as by this act directed, they shall enter into bond with sufficient security, in the sum of fifteen hundred dollars, payable to the chairman of the court or his successors in office, for the faithful discharge of the duties enjoined on them by this act.

Vacancies.

Sec. 5. *Be it enacted*, That if either of the said commissioners should die, remove, or refuse to act, that then and in that case, the court shall appoint some other fit person to fill such vacancy.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13, 1891.

CHAP. LXII.

An ACT authorising the courts of the counties of Washington and Carter to lay an additional tax, for the purpose of procuring a standard of weights and measures, in their respective counties.

*tax to be
paid.*

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, that it shall and may be lawful for a majority of the acting justices of the peace for the county of Washington when in session to lay an additional tax in said county for the purpose of procuring a standard of weights & measures, & the said

tax when laid, shall be collected, accounted for, and paid as other county taxes, and shall not exceed four cents on each white poll, nor eight cents on each black poll, nor four cents on each hundred acres of land, nor eight cents on each town lot, nor twenty five cents on each stud horse kept for covering mares, nor fifty cents on each billiard table.

Sec 2. *Be it enacted*, That it shall and may be lawful for a majority of the acting justices of the peace for the county of Carter, when in session, to lay an additional tax in said county for the purpose of procuring a standard of weights and measures, and the said tax when laid, shall be collected, accounted for, and paid as other county taxes, and shall not exceed eight cents on each white poll, nor sixteen cents on each black poll, nor eight cents on each hundred acres of land, nor sixteen cents on each town lot, nor fifty cents on each stud horse kept for covering mares, nor one dollar on each billiard table. *Tax to be laid*

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. LXIII.

An ACT to authorize the county court of Cocke to lay an additional county tax, for certain purposes therein mentioned.

WHEREAS the prison of Cocke county has been destroyed by fire,

BE it enacted by the General Assembly of the State of Tennessee, That the county court of Cocke, be, and is hereby authori-

ed and empowered to lay an additional tax not exceeding two years, for the purpose of building a prison, and to discharge the arrearages due for building the court house; not exceeding twelve and an half cents on each white poll, twenty five cents on each black poll, twelve and an half cents on each hundred acres of land, one dollar on each stud horse kept for covering mares, twenty five cents on each town lot, to be collected by the sheriff, accounted for, and paid into the hands of the commissioners appointed for said county, for the purposes aforesaid.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LXIV.

An ACT to empower the court of Sevier county to lay and collect an additional county tax, for the purpose of building a prison.

WHEREAS the prison late of Sevier county, hath been destroyed by fire.

Tax to be laid.

Section 1. BE it enacted by the General Assembly of the State of Tennessee, That the county court of Sevier be authorized and empowered to lay an additional county tax for two years, not exceeding twelve and a half cents on each white poll, twenty five cents on each black poll, twelve and a half cents on each hundred acres of land, twenty five cents on each town lot, fifty cents on each stud horse kept for the purpose of covering mares, to be applied for the purpose of building said prison.

Sec. 2. *Be it enacted*, That the commissioners ^{Prison.} heretofore appointed by law in the county of Sevier, shall be vested with full power and authority to contract with such person or persons as they may think proper, to build said prison.

Sec. 3. *Be it enacted*. That the tax so laid, shall be collected by the sheriff of said county, and paid ^{Money ap-} into the hands of the commissioners, or such of them ^{propriated.} as shall be appointed to receive the same, and that he have the same per cent. for collecting it, as for other collections.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LXV.

An ACT authorising the county court of Greene to lay an additional tax, for the purpose of procuring a standard of weights and measures.

Section 1. *BE it enacted by the general assembly of the State of Tennessee*, That ^{Weights &} it shall and may be lawful for a majority of the just ^{measures.}ices of Greene county, when in session, to lay an additional tax, for the purpose of procuring a standard of weights and measures.

Sec. 2. *Be it enacted*, That the tax when laid, shall be collected and accounted for as other county ^{Taxes.} monies; and shall not exceed four cents on each white poll, nor eight cents on each black poll, nor four cents on each hundred acres of land, nor eight cents on each town lot, nor twenty five cents on each Aud

horse kept for covering mares, nor fifty cents on each
billiard table.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LXVI.

An ACT to repeal an act, appointing commissioners to settle with persons heretofore appointed in the county of Washington, to contract for the public buildings, and the regulation of the town of Jonesborough, and to appoint certain persons in their stead, for the purposes aforesaid.

*memrs
of the
leg.* **SECTION 1.** **B**E it enacted by the General Assembly of the State of Tennessee, That John Kennedy, Isaac Depue, Thomas Embree, Andrew Steele, and Robert Eaches, are hereby appointed commissioners, and they, or a majority of them, are hereby vested with full power and authority, and it is hereby declared to be their duty, jointly or severally, to proceed without delay to notify all and every person or persons who has heretofore failed, to settle for their several collections. And in order to prescribe the mode by which the said commissioners shall proceed, It is hereby enacted, That where any sheriff, collector, or other person holding any county monies, for which a full and complete settlement has not been made, to notify such person or persons as aforesaid, in writing, at least twenty days previous to the time upon which the settlement is to be made; any person notified as hereafter directed, and failing to comply with said requisition, shall be liable to a suit or suits at the instance of the commissioners, or either of them, a-

against both principal and securities, in any of the courts of record within this state.

Sec. 2. *Be it enacted*, That the said commissioners shall have full power and authority to call on the clerk of their county, for all bonds and other papers in his office, which in the opinion of said commissioners shall in any wise be essential to carrying the aforesaid settlement into effect; and it shall be the duty of said commissioners, at the second court after entering into the duties enjoined by this act, to report and state in writing, which shall be posted up in some public place within the court house, for the information of the people, and all monies recovered and collected by said commissioners, shall be paid into the treasury of their county, there to be appropriated as other county monies. *Their duty*

Sec. 3. *Be it enacted*, That the commissioners aforesaid, previous to entering into the duties of their appointments, shall take an oath or affirmation to the following effect, to wit: *I, A. B. do solemnly swear or affirm (as the case may be) that I will faithfully execute the duties enjoined on me by this act, and in all respects act consistent with the interest of the people, according to the best of my knowledge. So help me GOD:* And the court of Washington county, shall make full compensation to said commissioners for their trouble and expence, to be paid out of the county treasury. *Bond and oath*

Sec. 4. *Be it enacted*, That if the clerk aforesaid, shall fail to render to such papers as the said commissioners may require, the said clerk shall for such offence, forfeit the sum of five hundred dollars, to be recovered in any court within this state having jurisdiction thereof, one half to be applied to the use of the county, the other half to such person as may sue for the same. *Clerk's duty*

Sec. 5. *Be it enacted*, That the before recited act is hereby repealed and made void. *Repealing clause*

WILLIAM DICKSON,
Speaker of the House of Representatives.
JAMES WHITE,
Speaker of the Senate.

PASSED—November 6, 1891.

CHAP. LXVII.

AN ACT to amend the second section of an act, entitled, "An act appointing commissioners to contract for building a court house and stocks in the town of Nashville.

BE it enacted by the General Assembly of the State of Tennessee, That the county court of Davidson shall lay a tax annually, not exceeding eighteen and three fourth cents on each white poll, nor thirty seven and an half cents on each black poll, nor eighteen and three fourth cents on each hundred acres of land, nor thirty seven and an half cents on each town lot, nor one dollar on each stud horse kept for the season of mares, nor twenty five dollars on each billiard table, which said tax shall be continued for the term of two years (if necessary) and no longer.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. LXVIII.

AN ACT to amend the tenth, eleventh, and twelfth sections of an act, entitled, "An act to divide the county of Davidson into two distinct counties,"

Preamble. **W**HEREAS the courts of Davidson and Williamson counties, have failed to comply with the true intent and meaning of the contents of said sections; and whereas there are debts remaining due

from the county of Davidson, at the time of confining Williamson : Therefore,

Section 1. *Be it enacted by the general assembly of the state of Tennessee,* That all the debts that Davidson county justly owed at the time of Williamson being stricken off and formed into a new and distinct county, shall be apportioned between the two counties, agreeably to the amount of taxable property and polls in each. *Debts apportioned.*

Sec. 2: And in order to have all accounts liquidated and prevent future disputes between said counties, *Be it enacted,* That the second courts which shall hereafter set in each county, shall each appoint a commissioner, which said commissioners shall be invested with full power, and it shall be their duty to settle said accounts, and apportion them between said counties, and that all claims against said county of Davidson as aforesaid, be presented properly authenticated to said commissioners, on or before the first day of June, one thousand eight hundred and three, or the payment thereof be forever barred; and for the services herein mentioned, said commissioners shall be allowed two dollars per day, to be paid out of the monies belonging to said counties : *Provided always,* That should the county court of Williamson fail or neglect to comply with the requisitions of this act, then and in that case, the commissioner on the part of Davidson county, shall proceed to liquidate the accounts aforesaid, between said counties, which shall be binding on said counties in as full and ample a manner as if both commissioners had acted, and the county of Williamson shall be bound to pay her equal proportion of the same. And to enable the court of said county to carry this act into effect, *Commrs appointed.*

Sec. 3 *Be it enacted,* That the justices of the said county of Williamson are hereby authorized and empowered, and it shall be their duty without fail, at the second court to be held for said county in each and every year, to lay a tax on the taxable property and polls within said county, for the purpose of car-

rying into eff & the true intent and meaning of this act, any law to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 10, 1801.

CHAP. LXIX.

An ACT making provision for improving the navigation of the river Nolichucky.

Preamble. WHEREAS from the present flourishing situation of the state of Tennessee, rapidly progressing in wealth and population, her citizens are in the annual enjoyment of considerable surplus of the necessaries of life, and other productions of their laudable industry and labor: And whereas, if sufficient encouragement was afforded to promote exportation, and emigration from abroad, and to excite our citizens to more vigorous exertions by affording a ready and convenient market for their surplus produce; this state would daily increase in wealth, commerce, and respectability: And whereas, the clearing the navigable streams and rivers in the same, would greatly conduce to the attainment of the desirable object, and would afford additional encouragement to useful industry and labour,

Section. 1. BE it enacted by the General Assembly of the state of Tennessee, That it shall and may be lawful for the citizens of the counties of Washington, Greene, and Jefferson, or other persons in the said state willing to engage in the same, to clear out and remove from the bed or channel of so much of the river Nolichucky, as shall be within the limits of the aforesaid counties, all and every obstruction which in any way impede or hinder the

navigation of the same, on the provisions, and subject to the restrictions herein afterwards contained.

Sec. 2. *Be it enacted*, That for the sake of public economy, for the ease and convenience of the citizens, and that they may not be subjected to any taxation for which they may not possibly enjoy equivalent benefits, that so much of the said river Nottchucky, as is contained within the limits of the counties aforesaid, shall be cleared and improved by the citizens of the said counties, or other persons willing to engage in the same, by subscription in the manner hereinafter directed and prescribed. Company established

Sec. 3. *Be it enacted*, That in order to carry into effect the objects of this act, on the first day of March, in the year of one thousand eight hundred and two, proposals for subscription shall be opened in the counties of Washington, Greene and Jefferson, for one thousand two hundred shares, at the rate of ten dollars per share; which said proposals shall remain open for the citizens of said counties, for their subscription, for the term of twelve months; after the expiration of which time the subscriptions shall be open for all other persons, whatsoever, who shall come forward and subscribe in conformity to the requisitions of this act; and for the convenience of all persons who may be desirous to embark in the same, three subscriptions shall be opened in each of the aforesaid counties; one at the town of Jonesborough, by John M'Aitter, one other by George Gillispie, the third by Robert Love, the fourth in the county of Greene, by William Dixon, the fifth by William Neilson, the sixth by Henry Conway, senior, the seventh in the county of Jefferson, by Josiah Jackson, the eighth by John Seahorn, the ninth by George Doherty, who are hereby authorized & empowered to take in subscriptions and receive the several sums of money to be subscribed as aforesaid, all which said several sums shall be appropriated as shall be hereafter directed. Subscription.

Sec. 4. *Be it enacted*, That whenever any person or persons shall subscribe as aforesaid, for any share or number of shares, he, she, or they, shall, at Payments.

the time of such subscription, pay the sum of five dollars for each and every share, to by him, her, or them subscribed, and shall, within the term of six months afterwards, pay up the remainder of his, her or their subscription money on said share or shares, in default of which said payments, the sums so by him, her, or them previously paid in at the time of subscribing, shall be forfeited for the purpose of clearing the said river, and it shall be lawful for the persons authorized as aforesaid to receive subscriptions, to sell and dispose of said shares, any thing herein contained to the contrary notwithstanding.

Nolichucky company. Sec. 5. *Be it enacted,* That as soon as the said subscriptions shall be filled up by the proposals of the shares aforesaid, and the sum of six hundred dollars shall be received in the counties of Washington, Greene, and Jefferson, that then the said subscribers in each county, respectively, shall be, and are hereby declared to be bodies corporate and politic in law, to be known and called by the style, name, and title of the Nolichucky River Company, which company, and their successors, shall have and possess all the rights, privileges, and capacities or bodies politic and corporate in law, which may be necessary for carrying into full and complete effect, the intent and meaning of this act.

Officers. Sec. 6. *Be it enacted,* That for the convenience of the said company in transacting their respective business, it shall and may be lawful for the members composing said company, at such time and place as they, or a majority of them may deem proper, to convene and elect a president, and such other officers of the company as they may deem proper for the purpose aforesaid.

Seal. Sec. 7. *Be it enacted,* That the said Nolichucky Company, shall furnish themselves with a seal of corporation, which shall be lodged in the hands of such officer or officers as they may direct, by which they shall be known, & which seal, when attached to any obligation, contract, or other instrument, shall be good and sufficient evidence against them in any

court of law, wherein such instrument of writing be cognizable.

Sec. 8. *Be it enacted*, That the Nolichucky River Company, whenever they may deem it expedient, shall have full power and authority to enter into any contract or contracts for clearing out all obstructions, and improving the navigation of said river, between the lower end of Benjamin Brown's island, in the county of Washington, to the confluence with French Broad river, and down the same to the Sevier line: *Provided*, That it shall not be lawful for them to enter into any contract or contracts for the purpose aforesaid, unless one third of their members be present and concur in the same. *Contracts.*

Sec. 9. *Be it enacted*, That it shall and may be lawful for the Nolichucky River Company, to demand and receive as a reimbursement and compensation for their labour, trouble, and expence, the following rates of toll, viz. One dollar per ton, and in proportion for a greater or lesser burthen, which said toll, shall be paid by every person or persons commanding, or having the charge of any boat, raft, floats, or other craft, at the rates aforesaid, at such place on the said river, and to such persons as may be authorized to receive the same, by the said company, within the limits aforesaid. *Toll.*

Sec. 10. *Be it enacted*, That three custom houses be established on said river for the purpose of receiving toll, in such places as the said Nolichucky River Company may think expedient, and any boat, craft, or other vessel, entering in above the upper custom house, shall pay at the rates of one dollar per ton; any boat, craft, or other vessel, entering in between the upper custom house, and the second below, shall pay at the rates of seventy five cents per ton; and any boat, craft, or other vessel, entering in between the second custom house and third, shall pay at the rates of fifty cents per ton, and in proportion for a greater or lesser burthen. *Custom houses.*

Sec. 11. *Be it enacted*, That if any person or persons having charge of any boat or boats, raft, *Penalty for passing.*

boat, or other craft, shall contrary to the true intent and meaning of this act, fraudulently or wilfully pass with the said boat or other craft, by the aforesaid places appointed by the said company for receiving toll, without paying the same, that then and in such case, it shall and may be lawful for the said company to institute a suit or suits before any justice of the peace of any county, where the offender or offenders may be found, and recover double the amount of the toll against them, to which said offenders were liable, agreeably to the rates aforesaid.

Transfer of shares. Sec. 12. *Be it enacted,* That if any subscriber, or holder of a share or shares as aforesaid, either by their removal out of their respective counties, or from other cause, shall be desirous of selling and disposing of their share or shares, that then & in such case, it shall be lawful for him her, or them, to dispose of the same, and the person or persons purchasing the same, on producing to such officer as the said company may appoint, such vouchers or evidences of purchase, as they may require, shall be enrolled as members of said company, and be hereafter entitled to all rights, privileges, and immunities of original subscribers.

Duty of company. Sec. 13. *Be it enacted,* That it shall be the indispensable duty of said company, and their successors, their respective limits aforesaid, at all times after the expiration of six years, to keep in good and sufficient repair, and navigable order, the channel and bed of the said river, at the most shallow place of water, shall be eighteen inches deep, and twenty feet wide; and in neglect or default thereof, it shall and may be lawful for any person or persons injured by reason of their omission and neglect, to institute a suit or suits against the said company, in the superior court of the district, or in the court of pleas and quarter sessions of the counties in which such injuries shall accrue, in which said suit or suits the party aggrieved, shall recover such damages as he, she, or they may have sustained, which said damages shall be assessed by a jury of the county as in other cases.

Sec. 14. *Be it enacted*, That when any writ, or *Service of* other process shall be issued against the company, it *process.* shall be the duty of the officer to whom it shall be directed, to serve the same upon the president, or in case there shall be no president at the time, or in case of the absence of the president, on any two members of said company, which said service shall be by exhibition of said process personally to him or them, or by delivering a written notice of said process being issued against them, and in no other manner or way whatsoever.

Sec. 15. *Be it enacted*, That this act shall be in *Act when* force and use for the space of forty years, and no *in force.* longer.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 10, 1801.

CHAP. LXX.

An ACT to prevent the obstruction of the navigation of certain rivers therein mentioned.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* *Navigati-*
on of rivers
 it shall not be lawful for any person to obstruct the navigation of the west fork of Red river, in Montgomery county, from its mouth to the large Cave spring, at or near the upper line of Campbell's large survey of land on said west fork; nor of Stone's river, from its mouth to the main west fork of said river, in Davidson county; nor Little river, in and adjoining the county of Blount, from its mouth to Bradley's mill.

Sec 2 *Be it enacted*, That if any person shall *Obstruct* obstruct either of the aforesaid rivers, he shall be *pen.*

subject to the same penalties of offenders who are guilty of obstructing roads or high ways.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13th, 1801.

CHAP. LXXI.

An ACT authorizing the county court of pleas and quarter sessions of the county of Carter, to open a certain road, and fix a turnpike thereon.

Preamble. **W**HEREAS a road from or near the iron works on Roan's creek, up the south fork of said creek, to the boundary line between the state of North Carolina and this state, would not only be of considerable advantage to the inhabitants of said county, but would be of great convenience to persons passing from this state to the said state of North Carolina,

Road to be opened. Section 1. *BE it enacted by the General Assembly of the state of Tennessee,* That it shall and may be lawful for the said court of pleas and quarter sessions of the county of Carter, to appoint from time to time, commissioners to mark and open a great road, from or near the iron works on Roan's creek, in said county of Carter, up the south fork of Roan's creek across the mountain, the nearest and best way leading towards Ash court house, till it intersects the said boundary.

Turnpike. Sec. 2. *Be it enacted,* That it shall and may be lawful for the said court, after the road is opened and fit for travellers to pass and repass, to establish and fix a turnpike on said road, at such place

as the commissioners appointed to open said road may deem proper.

Sec. 3 *Be it enacted*, that when the turnpike shall be thus erected, the said court shall appoint *Appoint a* and employ a proper person to keep said turnpike. *& oper.* who shall, at the time of his acceptance of such appointment, enter into bond with approved security, to the court of said county, in the sum of five thousand dollars, for the faithful discharge of the duties required by this act, and also in open court, to take and subscribe the following oath, to wit. I, A. B. do solemnly swear, that I will not ask or demand from any person or persons who may pass the turnpike I am employed to keep, any toll but what is pointed out by law, and that I will render a true account to this court at such time as they shall appoint, of all monies by me received by virtue of my appointment. So help me GOD.

Sec. 4. *Be it enacted*, That the court of said county shall have power to lay and assess any sum or *Toll,* sums in proportion to, and not exceeding the following, which shall be collected by the keeper of said turnpike, from such person or persons who may pass said turnpike, to wit: waggon, team and driver, seventy five cents, man and horse, twelve and an half cents, led horse, six cents, four wheel carriage of pleasure, one dollar and fifty cents, one chair, horse and rider, seventy five cents, cart, team and driver, thirty seven and an half cents.

Sec. 5. *Be it enacted*, That the person so em- *Toll ac-*ployed by the court to keep said turnpike as afore- *counted* said, shall, at such time as the court may direct, ac- *for.* count for, and pay into the hands of the clerk of said court, all monies by him received by virtue of his said appointment, which monies shall be applied by the court to the defraying the expences of opening and keeping said road in repair

Sec. 6 *Be it enacted*, That it shall be the duty of said clerk, to keep a fair and just account of all the monies he may receive from the keeper of said turnpike, from time to time, and pay the same to the order of said court, and in case of failure, he shall

forfeit and pay double the sum he may have so received from the keeper of said turnpike, to be recovered by action of debt or assumpsit, by the chairman of said court.

*Toupenja
yon.*

Sec 7. *Be it enacted*, That the said clerk shall be entitled to receive for his services, in receiving, keeping, and paying out said monies, two and an half per cent. which he is hereby authorized to detain in his own hand.

Sec. 8. *Be it enacted*, That this act shall be in force for the space of twenty years from the passing thereof, and no longer.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LXXII.

An ACT to authorize the court of Sevier county to open a certain road therein mentioned, and fix a turnpike or turnpikes thereon.

Road to be opened. **B**E it enacted by the General Assembly of the state of Tennessee, That the justices of the county of Sevier, and their successors in office, are hereby constituted a body politic and corporate, for the purpose of opening or causing to be opened, a road from the town of Sevierville, in the county aforesaid, to the boundary line of this state, in a direction to the most convenient port or commercial place in the state of Georgia.

Viewers. Sec 2 *Be it enacted*, That the said justices, or a majority of them, shall have power from time to

time to appoint one or more viewers, to view lay off, and mark a road the best and most convenient way to the boundary line of this state, in a direction to the nearest port or commercial place in the state of Georgia and to allow the said viewers each, not exceeding the sum of two dollars per day, to be paid out of any money in the treasury of said county, and upon such report of the said viewers as may be satisfactory, the said justices, or a majority of them, may proceed to open, or cause to be opened the said road, by either of the methods they may deem most desirable, as hereinafter authorized.

Sec. 3 *Be it enacted*, That when the said justices shall have ascertained the best way for opening said road, they, or a majority of them, may employ such, and so many persons as they may think necessary, to open, clear, and keep in repair said road, in such manner, as they, the said justices may deem expedient, and to defray the expences of opening the said road, the said justices may, by either or both of the means following, raise such sum or sums of money as may be sufficient to answer the above purpose, to wit: by collections to be made by voluntary subscription, or by a county tax to be laid annually, so long as necessary, not exceeding on each white poll fifty cents, on each black poll one dollar, on each town lot one dollar, on each hundred acres of land fifty cents, on each taxable stud horse one dollar, which tax when laid, shall be collected as other county taxes, subject to the disposal of said justices as aforesaid.

Tax to be laid.

Sec. 4. *Be it enacted*, That said justices shall have power to let the opening, clearing, and keeping in repair of said road, to any one or more person or persons on the consideration of the benefit of the toll as hereinafter authorized, and such letting, shall be under such rules, regulations, and restrictions as the said justices may deem proper, not otherwise inconsistent with this act.

Keeper.

Sec. 5 *Be it enacted*, That as soon as it shall appear to the said justices, that the said road is opened and cleared fit for the passage of loaded waggons

Turnpike.

And travellers, the said justices may fix one or more turnpike or turnpikes at such place or places as may be necessary on said road, and engage one or more person or persons to keep said turnpike or turnpikes, who shall give bond with such security, payable to the chairman of the court of said county and his successors, and with such conditions as the said justices may direct, and the said keeper shall take an oath well and truly to account for all monies by him received as keeper of such turnpike, and shall receive such compensation as the said justices may agree with him for, and shall account with the said justices at such times as they may require.

Toll.

Sec. 6. *Be it enacted*, That the said justices shall have power to lay a toll to be collected on said road, not exceeding, and in proportion to the following rates, to wit: For each waggon and team, one dollar.—For each four wheel carriage of pleasure, one dollar and fifty cents.—For each two wheel carriage of pleasure, seventy five cents.—For each horse and rider, twelve an half cents.—For each single horse, six and a fourth cents.—For each head of neat cattle, two cents.—For each head of hogs or sheep, one cent. *Provided*, That toll shall not be exacted at more than one turnpike on said road, of the same person, for the same thing.

Exemptions

Sec. 7 *Be it enacted*. That the said justices may make such rules and regulations as they may think proper, for the exemption of any person from tollage and taxes aforesaid, on account of working on said road.

Penalty on keeper.

Sec. 8 *Be it enacted*, That if any keeper of such turnpike, shall demand and receive greater toll than allowed as aforesaid, such keeper shall be liable to refund to the person injured the excess, and shall be further liable to pay the sum of fifty dollars to any person who will sue for the same, to be recovered before any judicature having cognizance of that sum.

Elandestine passing

Sec. 9 *Be it enacted*, That if any person shall forcibly or clandestinely pass by said turnpike in

order to evade the payment of the toll, such person shall forfeit and pay the sum of ten dollars, over and above the amount of the toll, to be sued for and recovered in the name of the keeper, and to be applied as other money arising by said toll.

Sec. 10. *Be it enacted*, That the said county, or the person or persons to whom the said road may be let as aforesaid, as the case may be, shall be allowed one hundred per cent. on the amount of the whole expenditures and expences of opening and keeping the said road in repair; and as soon as it shall appear to the said justices, that the whole amount of the said expenditures and expences, together with the said one hundred per cent. is reimbursed and paid by the toll arising as aforesaid, the said turnpike or turnpikes shall cease, and the said road shall be free from toll. *Compensation.*

Sec. 11. *Be it enacted*, That the said justices shall cause the clerk of said county, and it shall be his duty, to record in a book to be kept by him for that purpose, all proceedings of said justices, or any other proceedings that they may deem necessary, relative to said road, or arising under this act; and the said justices shall allow him such compensation as may appear to them adequate to his said services, to be paid out of the county treasury, or by reservation on, or out of said toll. *Clerk's duty.*

Sec. 12 *Be it enacted*, That nothing in this act contained shall be construed to authorize the said justices to open the said road through any part of the territory allotted to the Indians.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13th, 1801.

CHAP. LXXIII.

An ACT authorizing the opening and repairing of the road from Hamilton district to the district of Mero, as stipulated by the treaty of Holston, and for erecting a turnpike or turnpikes.

Preamble. WHEREAS justice and policy require that the road leading from Hamilton district to the district of Mero, should be made and kept in good repair, and it is supposed that an association of citizens would undertake the same, if proper encouragement would be given by the legislature,

Company established. Section 1. BE it enacted by the general assembly of the state of Tennessee, That the governor is hereby authorized and required to erect and incorporate under hand and seal, any number of persons, not exceeding five, who shall be known by the title and style of the Cumberland Turnpike Company, and may sue or be sued under the title aforesaid.

Their duty. Sec. 2. Be it enacted, That the company shall meet as soon as convenient after being incorporated, and when met, shall proceed to choose a president out of their own body, which company is hereby empowered to make such by laws, rules, and regulations as may be deemed necessary for carrying this act into effect. *Provided*, such laws and regulations are not inconsistent with the constitution and laws of this state.

Road to be marked. Sec. 3. Be it enacted, That the company shall measure and mile mark the road, erect bridges and causeways, dig and level the sides of hills and mountains over which the said road may pass, to the breadth of fifteen feet, except where it may be necessary to build bridges, causeways, or dig the road as aforesaid, in which cases the same shall be twelve feet in breadth, and said company shall hereafter maintain and keep the said road in good order and repair for the term of ten years, during which time

Said company, their heirs, executors, &c shall be entitled to all the emoluments, and profits arising therefrom.

Sec. 4. *Be it enacted*, That the said company shall, previous to entering into the duties enjoined upon them by this act, enter into bond with approved security, in the sum of two thousand dollars, payable to the governor and his successors in office, conditioned for keeping said road in good repair. *To give bond.*

Sec. 5. *Be it enacted*, That the governor shall appoint three persons as commissioners, and they, or either of them, shall review and examine the situation of said road, once in six months, and report to the governor the state and condition thereof. *Commrs appointed.* And it shall be the duty of the company aforesaid, to make known to the governor as soon as convenient, that they have complied with the law relative to repairing said road, and request him to have the same viewed by the commissioners appointed for that purpose; and if upon their report, it shall appear that the road is opened agreeable to the true intent and meaning of this act, the governor is hereby requested to issue a licence for erecting a turnpike or turnpikes, at such place as may be pointed out by the company, reserving to the said company, the right of removing the turnpike to such place as they may deem proper.

Sec. 6. *Be it enacted*, That the company aforesaid, are hereby authorized to demand and receive *Toll.* at the turnpike aforesaid, the following rates of toll, to wit. For each waggon and team, seventy five cents.—For each four wheel carriage for the conveyance of persons, one dollar and fifty cents.—For each chair and horse, seventy five cents.—For each cart and team, thirty three and one third cents.—For each man and horse, twelve and an half cents.—For each led or loose horse, six and a quarter cents.—For each head of cattle, hogs or sheep, one cent.—For each taxable poll travelling on foot, six and a quarter cents. *Provided*, the keeper of said turnpike shall not demand any of the aforesaid rates of toll from any Indian or Indians whatsoever.

Damages.

Sec. 7. *Be it enacted*, That if any person shall sustain any damage, on account of being detained by the keeper of said turnpike, or by the road being out of repair, such person shall have an action against the company for the damages by him sustained.

Clandestine passing.

Sec. 8. *Be it enacted*, That if any person or persons shall clandestinely pass by, or attempt to pass by said turnpike, to evade the payment of the aforesaid toll, he or they shall, for every such offence, forfeit and pay to said company, the sum of ten dollars, to be recovered before any judicature having cognizance thereof.

Governor's duty.

Sec. 9. *Be it enacted*. That it shall be the duty of the governor, in the formation of the company aforesaid, to appoint an equal number or as near so as may be, of persons on both sides of Cumberland mountain.

Viewers.

Sec. 10. *Be it enacted*, That the commissioners appointed to view the said road, shall each be allowed the sum of two dollars for each day they may be necessarily employed in the same, to be paid by the company.

Road when to be repaired.

Sec. 11. *Be it enacted*, That the said company shall have the road opened, and made in good repair, agreeably to the true intent and meaning of this act, on or before the first day of September next, or shall forfeit all right to the same.

Sec. 12. *Be it enacted*, That the company shall cut and clear the road from the Indian boundary line, on the east side of Cumberland mountain, to the fork of the road leading to Fort Blount and Walton's ferry, and they shall erect a turnpike or turnpikes for the purpose of receiving the tolls as aforesaid, from all persons travelling said road, but no person shall be liable to pay but one toll for travelling the same.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 14, 1831.

C H A P. LXXIV.

An ACT appointing commissioners for the purpose of clearing, opening, and keeping in repair, a certain road therein mentioned.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That *Commrs appointed* Thomas Henderson, Joseph Cobb, Isaac Lane, James Roddye, and John Hunt, or a majority of them, be, and the same are hereby appointed commissioners for the purpose of clearing, opening, and keeping in repair the said road, or that part thereof, which lies between Bean's old station, and the ford of Sycamore creek, leading through the Three Stone Gap, by Holt's ferry on Clinch river, which said commissioners shall let out to the lowest bidder, for the shortest space of time, not exceeding four years from and after first receiving toll as hereafter prescribed.

Sec. 2. *Their duty* Be it enacted, That the said commissioners are hereby authorized and required, as soon as they, or a majority of them, shall judge that the undertaker of the opening and repairing of said road has made the same in as good repair as the nature of the country will admit of, to issue their licence to the said undertaker to keep a turnpike thereon, at such place as the said undertaker may deem most proper, for the time stipulated between the said commissioners and the undertaker of said road, first taking bond payable to the chairman of the court of the county, in which said turnpike shall then be, and his successors in office, in the penal sum of ten thousand dollars, with sufficient security, conditioned for the keeping said road in good repair, for the time which he is allowed to keep said turnpike, and the said undertaker is also to take and subscribe the following oath. *I, A. B. do solemnly swear (or affirm as the case may be) that I will not ask or de-*

mand directly or indirectly, from any person passing through the said turnpike, any greater tollage than is by law directed. So help me GOD. And if the keeper of said turnpike shall violate this oath directly or indirectly, he shall suffer the same pains and penalties as for wilful and corrupt perjury.

Toll.

Sec. 3. Be it enacted, That the keeper of said turnpike, may demand and receive from each person passing through the same, the following toll, to wit. For each waggon, team and load, fifty cents.—Each four wheel pleasure carriage, one hundred cents—Each chair and driver, fifty cents.—Each cart and load, twenty five cents—Each man and horse, six and one fourth cents—Each pack horse, four and an half cents—Each single horse, three cents.

Oath.

Sec. 4. Be it enacted, That the said commissioners, before entering on the duties of their appointment, shall take and subscribe the following oath before two justices of the county of Grainger, to wit: I, A. B. do swear (or affirm as the case may be) that I will do equal and impartial justice to the public to the best of my skill and knowledge. So help me: GOD.

*Clandestine
passing.*

*Sec. 5. Be it enacted, That if any person shall arbitrarily or clandestinely pass the said turnpike within one half mile, in order to evade the payment of the toll prescribed by this act, he, she, or they shall forfeit and pay the sum of five dollars for every such offence to the keeper of the said turnpike, recoverable by action of debt, before any justice of the peace in this state having cognizance thereof: *Provided, nevertheless,* That if any person living within four miles of said road, shall choose to work thereon three days in each and every year, that he, his family and property, shall have the privilege of passing and re-passing the said turnpike, without being subject to pay the toll as by this act directed; the said keeper, giving said persons three days previous notice of the*

time and place he wishes him or them to work
road.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LXXV.

*An ACT to amend and continue in force an act
passed at Knoxville, on the seventeenth day of
October, one thousand seven hundred and
ninety seven, for the regulation of Knoxville.*

SECTION 1 *BE it enacted by the General Assem-
bly of the State of Tennessee, That* *Election
for com-
missioners.*
*an election for commissioners for
Knoxville, shall be held on the first Saturday in Ja-
nuary next, and that all future elections for com-
missioners for Knoxville, shall be held on the first Sa-
turday of January, every two years, under the same
rules, regulations, and penalties, contained in the be-
fore mentioned act.*

*Sec. 2 Be it enacted. That the commissioners
shall have power to make such rules and regulations
as they may deem necessary for the good order of
the said town, and the preservation of the health of
the citizens thereof.* *Their power.*

Sec. 3. Be it enacted, That the commissioners *Fines.*
*shall have power, when any citizen or other person
shall break or disobey any of the rules or regulations
which they shall make as aforesaid, to levy and col-
lect for each offence, a fine not exceeding fifty cents;*

and if a slave shall break or disobey any of the rules or regulations which shall be made as aforesaid, such slave shall, by order of the commissioners, receive punishment at the public whipping post, according to the nature of the offence, which shall not at any one time, or for the same offence, exceed twenty lashes.

Fines appropriated. Sec. 4. *Be it enacted,* That all fines and forfeitures which shall be levied and collected under this act, shall be appropriated to the use of the town.

Rules to be published. Sec. 5. *Be it enacted,* That the act passed at Knoxville, on the seventeenth day of October, one thousand seven hundred and ninety seven, for the regulation of Knoxville, except the parts amended and altered in this act, shall continue in force and use: *Provided,* such rules or regulations shall not be in force, until the same shall have been published twice in the Knoxville Gazette, and if there be no such Gazette, then twice on the court house door at Knoxville.

Fines collected.

Sec. 6. *Be it enacted,* That all fines laid by the commissioners, shall be collected in the same manner as described by the act passed in the year one thousand seven hundred and ninety seven, for collecting of fines and taxes, and that the said commissioners be authorized to employ and pay a person to inflict punishment, and act as a patrol for the use of the town.

Ground rent.

Sec. 7. *Be it enacted,* That so much of the sixth section of the above recited act, as imposes a ground rent of twenty five cents on each square yard, is hereby repealed, and in future the aforesaid commissioners shall have full power to make such alteration in the aforesaid plan of said town, or do such things as will be equitable and right, so as to do justice to the proprietors of any encroachments heretofore made; and any alteration or sale made under

this act, the monies arising therefrom, to be applied to the use of the town.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LXXVI.

An ACT for the regulation of the town of Nashville.

SECTION I. **B**E it enacted by the General Assembly of the State of Tennessee, That Election it shall be the duty of the Sheriff for commissioners of Davidson county, or his deputy, to open an election at the court house in Nashville, at twelve o'clock, on the first Saturday in April next, having previously advertised the same ten days on said court-house door, for the purpose of electing, by ballot, seven suitable persons to act as commissioners for said town, in which election every person possessing a lot, or having been six months a resident immediately preceding said election, shall be entitled to vote; and no person shall be eligible to the office of commissioner, unless he then be, and shall have been six months an inhabitant immediately preceding said election, and also proprietor of a lot in said town.

Sec 2. *Be it enacted,* That the said commission Oath. ers before they enter upon the duties of their office, shall take the following oath: I, A. B. do hereby swear, (or affirm as the case may be) that I will faithfully execute and discharge the office of commissioner of the town of Nashville, to the best of my knowledge and abilities, So help me GOD.

Vacancies *Sec. 3. Be it enacted.* That a majority of said commissioners shall constitute a quorum; and whenever vacancies shall happen by death, removal from town, or otherwise, a notice thereof, signed by the intendant and clerk, shall be delivered to the sheriff, who, or his deputy, shall proceed as soon as may be required, to hold an election to supply such vacancy in the manner in this act directed.

Town of Acers. *Sec. 4. Be it enacted,* That said commissioners shall choose from their own body, a suitable person to preside at their meetings, who shall be known by the appellation of Intendant. They shall also appoint a treasurer and clerk; and said treasurer shall keep a regular and just account of all monies received and paid out by him, in a bound book kept for that purpose, which said book, with the monies then in the treasury, and other papers appertaining to said office, he shall deliver up to his successor. And the clerk shall keep in a bound book kept for the purpose, a true and regular account of the proceedings of said commissioners, and shall advertise the rules and regulations by them adopted, whenever they may deem it necessary.

Commrs power. *Sec. 5. Be it enacted,* That said commissioners shall have power to call on all the inhabitants in said town who would be liable to work on roads, to work on and keep in repair the streets, to appoint an overseer thereof, who shall collect such fines from those who refuse or neglect to work as are directed in similar cases respecting roads—to prevent swine belonging to any inhabitant of said town from running at large, or if they think proper, to authorise any person to kill or destroy such swine so running at large: Provided, that no act of said commissioners to this effect shall be in force unless it be first advertised at least twenty days at the court house in said town—to prevent negroes from hiring their time or keeping tippling houses—to prevent encroachments on the streets, or burials in the public square, and to abate or remove all nuisances whatsoever, at the expense of the party occasioning them—to appoint a surveyor for said town, who shall, whenever direct-

ed, proceed to survey and designate the lots, by fixing a stone, or some other lasting monument at the corner of each, he shall also make or cause to be made out a plan or map of said town on a large scale in which shall be marked the number of each lot and the name of the person who originally possessed the same, which said plan he shall deposit with the said commissioners—to cause to be built a market house on some suitable part of the public square, the situation of which shall be at least fifty feet from any private lot, and said market house shall be well supported by durable stone or brick pillars — and to enable said commissioners to carry into effect the provisions of this act,

Sec. 6 *Be it enacted*, That they shall have power & are hereby directed to lay a tax annually, not exceeding on each hundred dollars worth of town property which they are to estimate fifty cents, on each white poll, not exceeding fifty cents; on each black poll, not exceeding one dollar; on each billiard table not exceeding five dollars; which said tax shall be collected by warrant under the hands and seals of the intendant and clerk, and directed to the collector whom they may appoint, who is to be governed by the rules and regulations established by law for collecting and accounting for the state tax. *Tax to be laid.*

Sec. 7. *Be it enacted*, That said commissioners shall annually appoint one of their own body to receive lists of the taxable property of said town, at the time and place when and where the inhabitants shall give in for the state tax; and any person or persons failing or neglecting to give in to said commissioner, upon his reporting the same, shall be liable to the fines and penalties directed by law in similar cases for the collection of the state tax. *Tax list.*

Sec 8 *Be it enacted*, That no appropriation of money shall be made by said commissioners, except for the benefit or improvement of said town, agreeably to the directions of this act, or for defraying expenses necessarily arising from the carrying the same into execution; and it is not to be understood *Appropriations.*

that said commissioners are to receive any compensation for their services.

Recoveries Sec 9 *Be it enacted*, That where recoveries are not provided for by this act, it shall be lawful for said commissioners to sue for the same before any authority having cognizance thereof.

WILLIAM DICKSON,

Speaker of the House of Representatives

JAMES WHITE,

Speaker of the Senate.

PASSED—November 10, 1801.

CHAP. LXXVII.

An ACT to amend an act, entitled "An act to amend an act, establishing a town on Cumberland river, at a place called the Bluff near the French Lick, and for other purposes," passed at Knoxville, in the year one thousand seven hundred and ninety six.

Preamble WHEREAS the above recited act authorized the laying off a water street, lots &c and appointed additional commissioners for the regulation of said town: Therefore,

Deeds to be made. *Be it enacted by the general assembly of the state of Tennessee*, That the said commissioners be added, viz Howell Tatam, Richard Cross, William Tate, and William Black, or a majority of them, be, and they are hereby required and directed without delay, to make out, execute deeds of conveyance, to the proprietors of said lots so laid out and sold by virtue of the above recited act, and for which service the said commissioners, may ask, demand & receive, for each deed so made, the sum of one dollar, which deed shall be good and valid both in law and equity against the claim and demand of all and every person

or persons whatsoever, any law, usage, or custom to the contrary notwithstanding.

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. LXXVIII.

An ACT to establish the town of Rutledge, in the county of Grainger, and to make valid all deeds already made or hereafter to be made by the acting commissioners of said town, to the purchasers of lots in the same, and also to confirm their contracts for the purpose of erecting a court house, prison and stocks in said town, and also to compensate said commissioners for their trouble and expence.

WHEREAS by an act of the general assembly: *Preamble.*
passed at Knoxville, in the year of one thousand seven hundred and ninety nine, entitled, "An act appointing commissioners to fix on a place to build a court house, prison and stocks, in the county of Grainger, and to lay off a town thereon."—And whereas the said commissioners have agreed and fixed on a place in said county, on the public road leading from Knoxville to Hawkins court house, in the Richland Valley, on the lands of Thomas M'Broom and Daniel Clayton, for the purpose of erecting a court house, prison and stocks, as directed by the said act, at which place the said commissioners have purchased twenty two acres and three quarters of land, on which they have laid off a town agreeably to the directions of the said act, known by the name of Rutledge, a plan of which is filed in

the clerk's office for said county. And whereas the said commissioners have exposed to sale the lots in said town, and did sell them, and have given their obligations to the purchasers respectively, binding themselves to make titles for the same; and have also taken obligations from the purchasers to secure the purchase money, and have made and executed deeds of conveyance for a number of the lots, and also have contracted with Francis Mayberry, to erect and build a court house, in said town, and also with Jonathan Williams, to erect and build a prison and stocks, in said town:

Town established.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the said twenty two acres and three quarters of land shall continue to be a town, agreeably to the plan of the said commissioners, filed in the clerk's office for said county of Grainger, by the name of Rutledge, and that all deeds heretofore made, or hereafter to be made by said commissioners for any of the lots in the said town, and all the contracts which they have made, or hereafter may make, for the purpose of erecting and completing the public building in said town, are hereby declared to be good and valid in law and equity, any law to the contrary notwithstanding.

Pay for public buildings.

Sec. 2. *Be it enacted,* That the said commissioners are hereby authorized and required as soon as may be, after collecting the monies arising from the sale of the said lots, to pay and discharge all their contracts which they have entered into, and may hereafter enter into as commissioners for the purpose of completing the said town and erecting the public buildings thereon.

Money appropriated

Sec. 3. *Be it enacted,* That as soon as the said commissioners have discharged the above mentioned contracts, they are hereby required to pay into the county treasury, all monies in their hands arising from the sales of said lots after paying themselves the sum of two dollars for each day that they may have been employed in discharging the duties of their appointment.

Sec. 4. *Be it enacted*, That all laws or parts ^{Repealing} of laws, coming within the purview and meaning of ^{clause.} this act, are hereby repealed and made void.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LXXIX.

An ACT to establish a town by the name of Peggiesville, on the lands of James Pickens, in the lower end of Sullivan county.

Section 1. **B** *Be it enacted by the general assembly of the state of Tennessee, that* a town be established on the ^{Peggysville} lands of James Pickens, in the lower end of Sullivan county, to consist of thirty lots, one quarter of an acre each, to be laid out in proper streets and allies, under the direction of James Pickens, who is hereby declared a commissioner for laying out and regulating the said town, which town shall be called and known by the name of Peggiesville.

Sec 2. *Be it enacted*, That this act shall be in force, from and after the passing thereof.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

CHAP. LXXX.

An ACT appointing commissioners for regulating the town of Grantsborough, in the county of Anderson.

Commrs appointed SECTION 1 **B**^E it enacted by the General Assembly of the state of Tennessee, That James Grant, William Hancock, senior, Edward Scott, Jenkin Whiteside, Charles Lee Bird, Walter Evans, and Shadrach Reedy are now appointed acting commissioners for the town of Grantsborough, in Anderson county.

Their authority. SEC. 2. *Be it enacted*, That the said commissioners shall and may take upon themselves the regulation and management of said town, having regard to the manner and form the said town hath heretofore been laid out by the former commissioners, by law appointed for that purpose.

SEC. 3. *Be it enacted*, That from and after the passing of this act, the commissioners aforesaid shall be, and they and every of them are hereby constituted directors and trustees for the designing, building, and improving the town aforesaid; and they, or a majority of them, shall have power to meet as often as they may think necessary, for all purposes contemplated in this act.

Streets &c SEC. 4. *Be it enacted*, That the said commissioners, or a majority of them, shall cause the streets of said town to be kept open and in good repair, provided they call on none but the owners of lots, their agents or attornies, or inhabitants of said town for that purpose; and said commissioners, or a majority of them, shall have power to exercise their authority as regulators of said town, in all respects whatever; and it shall be the duty of said commissioners to lodge a plan of said town, as laid out, in the clerk's office of Anderson county, when the said court shall be organized, whose duty it shall be carefully to preserve the same for the inspection and benefit of the owners of lots in said town.

Sec. 5. Be it enacted, That in case of death, removal, or refusal to act, any of the said commissioners, the survivors, or a majority of them shall assemble, and are hereby authorized to nominate, by instrument in writing under their hands, some other person, being of lawful age, and owner of lot or lots in said town, or an inhabitant of Anderson county, in the room and place of him so dead, removing, or refusing to act, which said commissioner or commissioners, so appointed, shall have and exercise the same power and authority in all matters herein contained, as the person or persons in whose room and stead he or they was so appointed, had or exercised. *Pataquiers*

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

PASSED—November 13, 1801.

CHAP. LXXXI.

An ACT to authorise the appointment of additional commissioners for the town of Maryville.

WHEREAS William Wallace, one of the commissioners appointed by law for the town of Maryville, in the county of Blount, is deceased since the time of his appointment : *Preamble.*

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee, That John Lewry, (merchant) John Montgomery, (merchant) and Andrew Thompson, are hereby appointed commissioners to fill the vacancy, and in addition to the former commissioners; and upon any other vacancy hap-* *Comm's appointed.*

pening by death, resignation, or removal, the court of said county shall have power to fill such vacancy which commissioners appointed by this act or by the court as aforesaid, shall have as full and ample powers, as if they, or either of them, were of the original number, and any number not less than three, shall constitute a quorum to do any business relative to said town of Maryville, within their original authority.

*Court's
power.*

Sec 2 *Be it enacted*, That the said court shall have full power and authority from time to time, as often as it shall be necessary, to call the said commissioners to account, and in the name of the chairman of the said court, to institute and prosecute a suit or suits against the said commissioners, or either of them, for any neglect or misconduct in their duty, or for any sum or sums of money, in their, or either of their hands, or by them, or either of them, in any ways misapplied; and all sums of money, or balances in the hands of the said commissioners, or either of them, that shall be recovered against them, or either of them, shall be directed by the said court, to be paid into the treasury of said county, to be disposed of under the direction of said court, for the purpose of building or repairing public building in said town of Maryville.

WILLIAM DICKSON,

Speaker of the House of Representatives

JAMES WHITE,

Speaker of the Senate.

PASSED—November 10, 1871.

CHAP. LXXXII.

An ACT authorizing the inhabitants south of Holston river in the lower end of Sullivan county, to hold separate elections and general musters, at such place as therein mentioned.

Elections.

SECTION 1 *BE it enacted by the General Assembly of the state of Tennessee that it shall and may be lawful for the inhabitants of the*

Lower end of Sullivan county, that live southwest of the river Holston, in the bounds of captain Allin's and captain Hannah's old companies, to meet and hold elections for governor, representative or representatives to congress, and members of the general assembly, at the house of Walter James's.

Sec. 2 *Be it enacted*, That it shall and may be lawful for the coroner or deputy sheriff of the county of Sullivan, to open and hold an election at the house aforesaid, for the purpose of electing a governor, representative or representatives to the congress of the United States, and members to the general assembly of this state, on the days pointed out by the constitution and laws of this state, and subject to the rules and restrictions therein prescribed; and receive the ballots of the persons entitled to vote in said bounds, under the rules and restrictions for holding elections in this state, and the ballots so taken and sealed up and transmitted to the court house of said county, on the succeeding day of said election, under the directions of the coroner or deputy sheriff, which ballots so taken, shall be counted out by the sheriff holding said election at the court house, and are hereby declared to be a part of the election of said county of Sullivan, any law to the contrary notwithstanding.

Coroner's duty.

Sec. 3 *Be it enacted*, That if any person shall vote at both of the aforementioned places for holding elections and general musters, on due proof thereof, he shall forfeit and pay ten dollars, to be recovered before any jurisdiction having cognizance thereof, the one half to the use of the county, the other half to the use of the person who will sue for the same:

Penalty for voting.

Sec. 4. *Be it enacted*, That the inhabitants aforesaid shall hold general musters at the place herein appointed for holding elections on the days appointed by law for holding general musters, and it shall be the duty of the commanding officer of said county, to appoint and notify one of the majors to attend said musters as by this act directed.

General musters.

*Courts
martial.*

Sec. 5. *Be it enacted,* That it shall and may be lawful for any five or more of the commissioned officers attending each and every general muster south of said river, to hold a court martial on the day next succeeding the general muster, and the major attending them shall preside over the same. *Provided,* that the right of appeal to a regimental court martial of the county of Sullivan shall be had by any person who shall think themselves aggrieved, within six months after such sentence being passed, and the person aggrieved shall make application to the major presiding in said court martial, for a transcript of the cause of the fine, which the judge advocate shall make out and attest the same, and deliver to the major commanding, who shall deliver it to colonel commandant, whose duty it shall be to have the appeal tried the first regimental court martial held for said county.

*How to be
held.*

Sec. 6. *Be it enacted,* That the general musters and courts martial directed to be held by this act, shall be held under the same rules and restrictions as are by law directed for holding general musters and courts martial within the several counties in this state, and it shall be the duty of the major attending the same, to receive the company returns, and transmit them to the commanding officer of the county, as soon as may be.

Sec. 7. *Be it enacted,* That this act shall not *Act when* be in force until the first day of January, one thousand eight hundred and two.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 13th, 1801.

CHAP. LXXXIII:

An ACT to amend an act, entitled, "an act authorising the field officers of Jefferson county to hold separate general musters in each and every year at the house of Maj. Robert M. Farland, to consist of Capt. Lane's, Dameron's, M. Donnel's, and Vanshear's companies," passed at Knoxville, October the twenty sixth, in the year of one thousand seven hundred and ninety nine.

SECT 1 **B**E it enacted by the General Assembly of *Elections.*
the state of Tennessee, That it shall and may be lawful for the inhabitants living within the bounds of the battalion described in the above recited act, to hold at their said battalion muster ground, separate elections for governor, representative or representatives to congress, and members of the general assembly.

Sec. 2. *Be it enacted,* That it shall and may be lawful for the coroner or deputy sheriff of the county of Jefferson, to open and hold an election at the place above described for holding said battalion musters, for the purpose of electing a governor, representative or representatives to Congress, and members of the general assembly of this state, on the days pointed out by law, subject to the rules, regulations and restrictions therein prescribed; and shall receive the ballots of the persons entitled to vote in said bounds, under the rules and regulations as prescribed for holding elections in this state; and the ballots so taken and counted out in the presence of the inspectors, shall be sealed up and transmitted to the place by law appointed for counting the votes for senator for the counties of Jefferson and Cocke, under the directions of the said coroner or deputy sheriff, which ballots so taken, shall be then and there added by the sheriff of the county of Jefferson, to the poll taken at the court house or place of hold- *Coroner's duty.*

ing court in said county and are hereby declared to be a part of the election of said county of Jefferson, any law to the contrary notwithstanding.

Penalty for voting.

Sec. 3. *Be it enacted*, That no citizen living within the bounds of said battalion shall vote at the court house of said county of Jefferson, under the penalty of ten dollars; nor shall any citizen, who is entitled to vote at said court house, vote at said battalion election under the like penalty, to be recovered before any jurisdiction having cognizance thereof, one half to him who will sue for the same, the other half to the use of the county.

Act when in force.

Sec. 4. *Be it enacted*, That this act shall be in force from and after the first day of January next.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 10th, 1891.

CHAP. LXXXIV.

An ACT to authorize the regiment of Cocke county to hold general musters at the plantation of John Gilliland, deceased.

General muster.

SECTION I. **B**E it enacted by the General Assembly of the state of Tennessee that the regiment of Cocke county shall hold general musters at the upper end of the plantation whereon the widow of Joan Gilliland, deceased, now lives, on the days that are or may be appointed for holding general musters,

Courts martial.

Sec. 2. *Be it enacted*, That the officers of said regiment shall hold courts martial at the court house of said county, on the days that are or may be ap-

pointed for holding courts martial in said county, any law, usage or custom to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

Passed—November 13, 1801.

CHAP. LXXXV.

An ACT authorizing the inhabitants in the lower end of Montgomery county, to hold separate general musters and elections, at the place herein after mentioned

WHEREAS it has been represented to this general assembly that the situation of the inhabitants in the lower end of Montgomery county, renders it extremely inconvenient for them to attend general musters and elections in the town of Clarksville: For remedy whereof, *Preamble:*

Section 1. *BE it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, it shall be lawful for the companies of captain Brimton, captain Davidson, captain Thomas, and captain Brigham, to hold general musters in the town of Palmyra, at the times that now are, or which hereafter may be established by law; and it shall be the duty of the commanding officer of said county, to appoint and notify one of the majors of said county, to attend said musters, as by this act directed.* *Musters:*

Sec. 2. *Be it enacted, That it shall be lawful for five or more of the commissioned officers attending each muster by this act directed to be held, to hold courts martial on the day next succeeding such muster, and the major attending them shall preside over the same. Provided, That no sentence or de-* *Courts martial:*

Free of said court martial shall be final, except the delinquent agree thereto, but in all cases the right of appeal to the regimental court martial of the county of Montgomery shall be had, if required.

*Major's
duty.*

Sec. 3 *Be it enacted*, That if the major so appointed, shall neglect or refuse to attend and perform the duties by this act required, he shall, on conviction before the regimental court martial of his county, forfeit and pay a sum not exceeding twenty dollars, to be collected, accounted for, and appropriated as other fines for similar offences.

*Courts-
martial.*

Sec. 4. *Be it enacted*, That the general musters and courts martial directed to be held by virtue of this act, shall be under the same rules and regulations as are by law directed for holding general musters and courts martial within the several counties in this State, and it shall be the duty of the major attending the same, to receive the company returns and transmit them to the commanding officer of the county as soon as may be.

Elections.

Sec. 5. *Be it enacted*, That from & after the passing of this act, it shall be lawful for the inhabitants living in the lower end of Montgomery county aforesaid, and within the bounds of the companies of the captains aforementioned to hold elections for governor, representative or representatives to congress and members of the general assembly of this State, in the town of Palmyra aforesaid, & it shall be the duty of the sheriff, his deputy or the coroner of said county to hold said elections, & some one of them is hereby authorized, required, and enjoined to open, hold, and conduct said elections pursuant to the constitution and laws of this State.

Inspectors.

Sec. 6 *Be it enacted*, That the county court of Montgomery, at the first session next preceeding the day of election by this act established, shall appoint three inspectors to superintend the election, who shall reside within the bounds before described; and if it shall so happen that the said court shall fail to make such appointment, or any person so appointed shall

refuse to serve, they shall be appointed as heretofore directed by law.

Sec. 7. *Be it enacted*, That the sheriff, deputy sheriff, or coroner, as the case may be, and the inspectors holding said election, shall make out a fair statement of said election, signed by the returning officer and the inspectors, setting forth the number of votes each candidate shall have had at said election; and the said sheriff, deputy sheriff, or coroner, shall, on the day succeeding said election, meet the officer who shall preside at the election in the town of Clarksville, in said town, to compare the votes received at each place of election, and on such comparison, the person or persons having the highest number of votes shall be duly elected.

Sec. 8. *Be it enacted*, That if any person shall vote at said election, and at the town of Clarksville at the same election, he shall forfeit and pay the sum of ten dollars, to be recovered with costs, before any jurisdiction having cognizance thereof, one half to the use of the county, and the other half to the use of him or them who will sue for the same. *Penalty for voting.*

WILLIAM DICKSON,

Speaker of the House of Representatives

JAMES WHITE,

Speaker of the Senate.

PASSED—November 6, 1801.

CHAP. LXXXVI.

An ACT authorizing and establishing a company of light infantry in the town of Nashville.

Section. 1. *Be it enacted by the general assembly of the state of Tennessee*, That Company it shall and may be lawful for the citizens of Nashville and its vicinity, to form themselves into a vo. *established.*

Volunteer company of light infantry, which said company shall be a part of the first regiment of Davidson county.

Equipment Sec 2. *Be it enacted*, That within one year from and after the passing of this act, each person enrolled in said company, shall, at his own cost and expence, provide himself with the uniform agreed on by a majority thereof, and shall also completely arm and accoutre himself agreeably to the laws in force for the better establishment and regulation of the militia in this state, and in case of failure so to do, he shall forfeit and pay the sum of five dollars, to be appropriated for procuring drums, colours, and other articles necessary for said company.

WILLIAM DICKSON,
Speaker of the House of Representatives

JAMES WHITE,
Speaker of the Senate

PASSED—November 14, 1801.

CHAP. LXXXVII.

An ACT to establish a regiment of cavalry, in the counties of Cocke, Jefferson, Grainger and Claiborne.

Second re **SECTION 1.** **B** *Be it enacted by the General Assembly of the state of Tennessee*, That from and after the passing of this act, the cavalry of the counties of Cocke, Jefferson, Grainger, and Claiborne, shall compose a regiment of cavalry, and shall be called and known by the name of the second regiment of Hamilton district; and each company shall consist of not less than thirty, nor more than fifty men, rank and file, to be raised, officered, and equipped in the same manner and form as directed by the militia law of this state, and shall hold general muters at Check's Cross.

giment.

Roads, under the same rules, regulations, and restrictions as directed by law.

Sec. 2. *Be it enacted*. That from and after the *First regt-*
passing of this act, the first regiment of cavalry for *ment.*
the district of Hamilton, shall consist of the counties
of Knox, Sevier, Blount, Roane, and Anderson, any
law, usage, or custom to the contrary notwith-
standing.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 14, 1833.

CHAP. LXXXVIII.

*An ACT to amend an act, entitled, "an act
granting to citizens of Knox county the privi-
lege of holding separate general musters," pass-
ed at Knoxville, on the twenty sixth day of Oc-
tober, one thousand seven hundred and ninety
nine.*

SECTION 1. *BE it enacted by the General Assem- Election*
bly of the State of Tennessee, That
from and after the passing of this
act it shall and may be lawful for the inhabitants
living within the bounds of the different battalions,
as described by the above recited act, to hold elec-
tions at their battalion muster grounds, on the last
Thursday of October instant, and the succeeding
day, to elect a representative to represent this State
in the Congress of the United States; said elections
to be held by the deputy sheriffs or coroner of the
county of Knox, and to be conducted by them under
the same rules and restrictions as elections for mem-
bers of the general assembly.

*Sheriff's
duty.*

Sec. 2. *Be it enacted*, That the sheriffs or coroners as aforesaid, holding said elections, shall, in the presence of the inspectors, count out the votes which may be taken at said elections, and shall on the Monday succeeding, return the number of votes for each candidate to the sheriff of Knox county, whose duty it shall be to add the votes for each candidate to the poll by him kept, and transmit the same as by law directed.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 15, 1801.

CHAP. LXXXIX.

An ACT to authorize Elizabeth Carter, widow and administratrix of Landon Carter, deceased, to sell and convey by deed or deeds, certain lands therein mentioned for the purpose of paying certain debts due by the said Landon Carter.

Preamble:

WHEREAS it appears that general Landon Carter, late of the county of Carter, in his life time, was indebted to a considerable amount, and is deceased, and the said debts remaining unpaid, and Elizabeth Carter, widow, and sole administratrix of the goods and chattels, rights and credits of the said Landon Carter, hath petitioned this general assembly to enact a law by which she may be enabled to dispose of, and convey by deeds of conveyance, certain lands of the property of the said Landon Carter, in his life time, for the purpose of paying and satisfying the said debts: Therefore,

Section 1: *BE it enacted by the general assembly of the State of Tennessee*, That it shall and may be lawful for the said Elizabeth Carter, widow, and administratrix as aforesaid, to dispose of at public or private sale, certain lands laying on the waters of Clinch river, which were of the property of the said Landon Carter, in his life time, or so much thereof as may be found necessary for the purpose of raising the sum of three thousand dollars, to be applied by the said Elizabeth Carter to the payment of such debts as were due by him in his life time, and do yet remain unpaid. *Authorized to sell land*

Sec. 2. *Be it enacted*, That if the said lands laying on the waters of Clinch river, cannot be sold as in this act before mentioned, then and in that case, it shall and may be lawful for the said Elizabeth Carter, widow, and administratrix as aforesaid, to sell and dispose of at public or private sale, so much of the lands laying on the waters of Cumberland river, which were of the property of the said Landon Carter, in his life time, as may be found necessary for the purpose of raising the aforesaid sum of three thousand dollars, or so much thereof as may remain to be raised after disposing of the lands on the waters of Clinch river, and the monies arising from the sale of the said lands on the waters of Cumberland river, shall be applied in the same manner as the monies arising from the sale of the lands laying on the waters of Clinch river. *Cumberland river*

Sec. 3. *Be it enacted*, That if the said lands laying on the waters of Clinch and Cumberland rivers, cannot be sold as in this act before mentioned, then and in that case, it shall and may be lawful for the said Elizabeth Carter, widow, and administratrix as aforesaid, to sell a certain tract of land laying on the waters of Stoney creek, in Carter county, which was of the property of the said Landon Carter, in his life time, for the purpose of raising the aforesaid sum of three thousand dollars, or so much thereof as shall remain to be raised after disposing of the lands on the waters of Clinch and Cumberland *Stoney creek.*

rivers, and the monies arising from the sale of the said tract of land laying on the waters of Stoney creek, shall be applied in the same manner as the monies arising from the sale of the lands on the waters of Clinch and Cumberland rivers. *Provided always,* That this act shall not be construed so as to authorise & empower the said Elizabeth Carter, widow, & administratrix as aforesaid, to sell & dispose of lands which were of the property of the said Landon Carter, in his life time, to a greater amount than three thousand dollars, as aforesaid.

Consent of guardians Sec. 4. *Be it enacted,* That the said Elizabeth Carter, widow and administratrix as aforesaid, shall not sell and dispose of any tract of land by virtue of the powers given her by this act, for a less sum of money than the guardians of the children of the said Landon Carter, deceased, shall consent and agree for the same to be sold for, and the court of the county of Carter is hereby authorised and required to appoint three suitable and fit persons for that purpose.

Make deeds. Sec. 5. *Be it enacted,* That it shall and may be lawful for the said Elizabeth Carter, administratrix as aforesaid, to convey by deeds of conveyance, such, or as many of the before mentioned tracts of land, as she may sell and dispose of for the purpose before mentioned, to the purchaser or purchasers; which deeds of conveyance so made, being duly proven or acknowledged, and registered agreeably to law, shall forever after be held, deemed, and taken, and adjudged, and decreed, to be good and valid and sufficient, both in law and equity, to pass and convey all the right of property, of, in, and to the tracts of land so sold and disposed of, to the purchaser or purchasers with the fee simple estate thereof, to all intents and purposes, any law to the contrary in any wise notwithstanding.

WILLIAM DICKSON,
Speaker of the House of Representatives.

JAMES WHITE,
Speaker of the Senate.

Passed—November 10, 1891.

CHAP. XC.

An ACT to exonerate William Donaho and Griffith Rutherford, from a fine and double tax, in the county of Wilson.

WHEREAS the aforesaid William Donaho and Griffith Rutherford, have been subjected to a fine and double tax, on tracts of land in the aforesaid county of Wilson, by their agents, or through the negligence of the justice to whom such returns should have been made, and judgment having been entered up, and execution issued for the same,

Preamble

Section 1. *BE it enacted by the general assembly of the state of Tennessee,* That the aforesaid William Donaho, shall be, and is hereby exonerated from paying a fine and double tax entered up against him, the said Donaho, by the court of Wilson county, he, the said Donaho, paying all necessary costs and charges accruing thereon, any thing to the contrary notwithstanding.

W. Donaho

Sec. 2. *Be it enacted,* That Griffith Rutherford, shall be, and is hereby released from a fine and double tax incurred in the county of Wilson, by not returning his taxable property within said county. *Provided,* he pays all costs and charges thereon, together with the single tax due on said property, any law to the contrary notwithstanding.

G. Rutherford

WILLIAM DICKSON,

Speaker of the House of Representatives

JAMES WHITE,

Speaker of the Senate

PASSED—November 11, 1861.

C H A P. XCI.

An ACT to amend an act, entitled, "An act making compensation to Henry Conway," passed at Knoxville, in the year of one thousand seven hundred and ninety nine.

WHEREAS by the aforesaid act, Henry Conway was allowed the sum of thirty eight dollars and twenty eight cents: And whereas no mode was pointed out for drawing the said sum,

BE it enacted by the General Assembly of the State of Tennessee, That the governor for the time being, is hereby authorized and required to issue his warrant upon either of the treasurers of this state, for the sum of thirty eight dollars and twenty eight cents, in favor the aforesaid Henry Conway, which warrant shall be a sufficient voucher in the settlement with the treasury department.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1891.

CHAP. XCII.

An ACT to alter the names of certain persons therein mentioned.

WHEREAS Mark Brown Sappington, and Robert Searcy, having requested this general assembly to alter the names of their illegitimate children, to wit: the name of Fanny Lucas, to that of Fanny Sappington, and the name of Robert Eastin Chapman, to that of Robert Eastin Searcy,

BE it enacted by the General Assembly of the state of Tennessee, That from and after the passing of this act, that the name of Fanny Lucas, is hereby altered and changed to that of Fanny Sappington, and that she, the said Fanny Sappington, shall, in all respects, both in law and equity, be upon an equal footing with the said Mark Brown Sappington's other children, and shall be entitled to all the advantages that she, the said Fanny Sappington possibly could be, provided she had been born in wedlock. And that the name of Robert Eastin Chapman, shall be altered to that of Robert Eastin Searcy, & that he the said Robert Eastin Searcy, shall, in all respects, both in law and equity, be upon an equal footing with the other children of the said Robert Searcy, which have been, or may be born in wedlock, any law, usage, or custom, to the contrary notwithstanding.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—October 29, 1801.

An ACT to emancipate and set free a negro man, named Bob.

WHEREAS Robert Searcy, esquire, of Nashville, having made known to this general assembly, that he some time ago purchased said negro man, Bob, sold under an execution, and that the said negro hath since by his industry, reimbursed the purchase money, in consequence whereof, he prays that he may be emancipated and forever set free,

BE it enacted by the General Assembly of the state of Tennessee, That the said negro man, Bob, shall be, and he is hereby emancipated and forever set free, to all intents and purposes whatever, and shall in future be known by the name of Robert Renfro.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 10, 1801.

CHAP. XCIV.

An ACT making compensation to the members, clerks, and door keepers of the general assembly, and for defraying other contingencies.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee, That* **Members**
each member shall receive on dollar and seventy five cents, for each day he shall have attended the general assembly, and the same for every twenty five miles he shall travel in going to, and returning from the same.

Sec. 2. *Be it enacted, That* each principal clerk **Clerks** of the general assembly, shall be allowed the sum of three dollars per day for their services, and that three dollars per day be allowed for each assistant clerk, and a further allowance be made for stationary, to Edward Scott, twenty dollars, to Stephen Heard, twenty dollars, to George Roulstone, twenty dollars, and to Nathaniel B. Buckingham, twenty dollars.

Sec. 3. *Be it enacted, That* each door keeper shall **Door keepers** be allowed two dollars, for each day he shall have attended on the general assembly.

Sec. 4. *Be it enacted, That* the sum of twelve dollars and thirteen cents, be allowed Samuel **Fire wood.** Hindman, (door keeper) for fire wood, candies, &c. furnished both houses of the general assembly.

Sec. 5. *Be it enacted, That* the sum of forty dollars, be allowed Robert Craighead, for five **Tables.** tables, sixteen firms, furnished both houses of the general assembly.

Sec. 6. *Be it enacted, That* the sum of sixty one dollars, be allowed George Rountone, for sundry **Printing.** printing, as per vouchers filed in the secretary's office.

Sec. 7. *Be it enacted, That* the secretary of **Laws** State is hereby required to number the pages of the

laws and journals to be printed and published by George Roulstone, consistent with his contract with the general assembly, as appears on the journals, and on his producing the receipt of David Deaderick, William Maclin, and Robert Searcy, the governor is hereby required to issue a warrant to the treasurer of either of the districts, to pay the said Roulstone, such sum of money as shall appear due, consistent with the aforesaid contract.

Sec. 8. Be it enacted, That William Maclin
W. Maclin shall be allowed the sum of eighty three dollars, as full compensation for stationery furnished by him for the use of the governor, and the office of secretary of state, and postage paid on public papers up to this general assembly.

Sec. 9. Be it enacted, That John Sevier, esq.
J. Sevier. late governor of this state, be allowed three hundred and seventy five dollars, being the balance due of his six years salary, as governor; and the governor for the time being, is hereby required to draw a warrant in his favor, on either of the public treasurers for that sum.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

PASSED—November 14, 1801.

A copy,

Test,

WILLIAM MACLIN,

Secretary.

**STATE OF TENNESSEE,
IN GENERAL ASSEMBLY,**

OCTOBER 26, 1801.

WHEREAS sundry evil minded persons regardless of their duty towards their just creditors, as also the obligations they owe to society, and in defiance of the laws of this state, have in sundry instances taken refuge within the territorial limits allotted to the Cherokee Indians; and the former laws not being sufficiently coercive to restrain or punish such offenders, either in criminal or civil cases, the legislature therefore, have thought it politically just, to prevent in future such contemptuous and violent attacks upon the administration of justice, by extending civil jurisdiction within the territory aforesaid. Such having been the motives which gave rise to the act of extension, it is scarcely presumable that any inference can be drawn, so as to authorise even the most abandoned character to commit an infraction upon the treaty or laws of the United States. Nevertheless, to foreclose misconception, it is

RESOLVED, That if any of the citizens of this state, or any of the United States, under any pretended right whatsoever, enter upon, occupy, or possess, any of the lands lying within the Indian boundary, or commit any offence against the laws of this state, or of the United States, such offender or offenders, are, in the opinion of this legislature, proper subjects of the penal laws, and ought to receive exemplary punishment.

WILLIAM DICKSON,

Speaker of the House of Representatives,

JAMES WHITE,

Speaker of the Senate.

STATE OF TENNESSEE,

IN GENERAL ASSEMBLY,

NOVEMBER 14, 1801.

RESOLVED, That the governor be requested to draw up and forward to the senators and representative of this state in Congress, such instructions as he may deem necessary and consistent with the act passed this session of the general assembly, entitled, "An act to appoint agents to settle the dispute existing between this state and the United States, relative to the vacant and unappropriated lands within this state, and to procure the relinquishment of the claim of the United States to the same."

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

STATE OF TENNESSEE,

IN GENERAL ASSEMBLY,

NOVEMBER 14, 1801.

RESOLVED, That Knoxville be and remain the seat of government until the end of the next General Assembly, and until otherwise provided for by law.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

STATE OF TENNESSEE,

IN GENERAL ASSEMBLY,

NOVEMBER 14, 1801.

RESOLVED, That the books of pre-emptions and guard rights now in the possession of Andrew Ewing be deposited in the hands of Nathan Ewing, of Davidson county, there to remain until otherwise provided for by law.

WILLIAM DICKSON,

Speaker of the House of Representatives.

JAMES WHITE,

Speaker of the Senate.

A copy,

Teste,

WILLIAM MACLIN,

Secretary.

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